"A" Collection

App. F. IX-4

1938.
(Legis)

File No. 33938

Serial Nos. 1

Previous References
A48. 219-33 (1-29)
Legis dep. 65-38

Letter References

PRESERVED

(115)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. one only

Part for March, 1939.

SUBJECT.

Promulgation into Law of the Bill to provide for the Control of export of Tea from and extension of the Cultivation of Tea in Mysore.

8(1) To the Compiler, Leg.
vide p 4374 of 14.2.39.

WD 0295—GPB—22,500—13-8-37

Ordered that the Act to provide for the Control of export of Tea from and extension of Cultivation of Tea in Mysore be published as Regulation No. VII of 1939 in the Mysore Gazette.

Nazeerhussain
23/3/39.

Renewal of the Tea Restriction Scheme

3630

General and Revenue Secretariat — A&b File No. 151 of 1937. [App. F. III—2

Serial No.

1 From The Residency

No. 7.301-37/R.O.II dt 8/1/37

forwards a copy of the bill for the renewal of the Tea Restriction Scheme & asks for a draft prepared by this Govt of the enactment in the States on similar lines.

1) Subd with refces. The Residency was informed in this office letter dated 21/6/37 that there is no such enactment in the State & that there was no need either.

H

After the bill is passed into law, it will be necessary to issue a notification here as on the previous occasion, restricting the cultivation of tea on new lands for a further period of five years from 1/4/38 as promised in the letter referred to above.

A&b 219-33-167

Whether the bill now sent, provides for the redress of the grievances the Mysore tea planters are labouring under, is not clear. It was stated in the Residency letter dt 18/8/37 (A&b 202-36-6) that this matter would receive the attention of the Govt of India while considering the proposals for the renewal of the Scheme.

Vide clause 14 of the bill.

2) Subd for orders as to whether the Law Secretary may be consulted re amendments to be suggested

Q

NOTE—Contn. Sheet.

08/11/1/38

WD 0284—GPB—30,000—13-8-37

4217/37

Renewal of the Tea Restriction scheme

2

3630

A78 File No. 157 of 1937.

General and Revenue Secretariat

3) There is a slight difference between S. 13 of the Bill of 1933 and the corresponding section of the present bill.

4) It is not clear if any rules under the Act have ever been framed. The Memorandum was addressed on 13.4.37 to [illegible] and two spare copies of the rules but these do not seem to have been received

These are available in file 202-36. by

5) The Tea Planters' Association may perhaps be requested to offer their remarks on the intended bill, so that, if their privileges are yet in reserve, the Govt of India may be addressed again.

11.1.38

Dev. Secy)

3606/37

6) An act in Byelaw number necessary only to bring into operation clause 16 of the bill. It is a point for consideration whether an enactment should be passed or a mere notification will do as in the case of quinquina.

Secy Revenue

MW. 15-1-38.

15-1-38

7) The Law (Legis) Secretary may be consulted

17/1/38 MW 17.1.38

Law 18/1

OFFICE OF T
SECOND MEMBER OF
15 JAN. 1938
No. 5/2/

Renewal of the Tea Restriction Scheme

3630

3

General and Revenue Secretariat | A 28 | File No. 157 | of 1937. | [App. F. III—2

Serial No.

8) In order to implement the international agreement for control of export of tea & restriction of the cultivation in India, ~~the~~ Act XIV of 1933 was passed in the Indian Legislature. The operation was to expire on March 1938. Another Bill is proposed to be introduced now to continue its operation for another period of 5 years.

The scheme of the legislation is not to allow export out of British India except under a license issued by a committee which includes representatives of planting interests of South India with the Indian States

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-8-37

4

File No. of 193 | General and Revenue Secretariat

Extract of rules as allowed quotas for exports are a crop basis. Extension of cultivation is also controlled by providing that no person shall plant without the permission of the Committee. Persons going out of mysore with trees also to account the licence issued by the Committee at the point of embarkation. So it was thought not necessary to have any legislation that no legislation was necessary. But all that was required was to restrict the extension of cultivation which was done by means of a notification.

9) But in the Rule it is provided in cl 25 that offences by infringements

Serial No.

has been enacted in any India State for the control of the export from or of the entry by cultivation in such State into the committee & that no export licenses or permits for export out of Bor. India of the grow in such state.

2 Sub seems to indicate the necessity for legislation here so that the quota for restricted areas in Mysore may be obtained.

10) Further there are certain provisions in the Bill (Clauses 20, 21 & 32) requiring certain returns from the growers. Legislation will be necessary here to enforce the proper submission of such returns.

11) If legislation is undertaken here for issuing licenses by a local

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-4-37

6

427

File No. of 193 General and Revenue Secretariat

authority has proposed on grounds of expediency that
of India will be subject
to two licenses. The following
matters in Bombay may
perhaps be considered
Bombay for orders.

Sd
29/11/38.

Serial No.

12) The present Tea Control Bill contains certain clauses which are not found in the Indian Tea Control Act of 1933. A reading of clauses 14 and 15 of the bill would show at first sight that no legislation is necessary in the Indian States to control the growth of Tea. Under sub-clause 14, any Tea estate to which an export quota was allotted under Indian Tea Control Act is entitled to have an export quota according to the present bill. And when once the export quota is allotted, the Tea Control Committee is bound to give a licence for export of tea under clause 15. But these two clauses are subject to the restrictions contained in clause 25 of the bill. According to clause 25, export of tea from Indian States is permissible in States which have enacted legislation and which have made provision in pursuance of the agreement implemented by and in consonance with the provisions contained in this bill, for the control of expansion and export of tea. This means that no State will get a licence to export tea unless there is an Act similar to this bill. It therefore follows that we should have an Act on more or less similar lines. And this is what the Residency suggest in their letter of 8th January 1938. Such clauses did not exist in the old bill and there was no prohibition for export of tea from Mysore. The additions in the new bill are indicated by pencil marks. The Central Government Tea Act comes into force on the 1st of April 1938. Our legislative Council will meet only in June. If any Act is to be passed here, Government can take

power

NOTE—Contn. Sheet.

Removal of Tea Restriction Scheme

8

3630 4217

File No. 3111/44A/1 Ref to of 193 General and Revenue Secretariat

OFFICE OF SECOND MEMBER OF COUNCIL. 7 FEB 1938 No. 748

power to pass an emergent Act under Section 12 of the Legislative Council Act.

Secy dev reps

2-2

3965 4/2

(2) There will be no objection on emergency Act we may pass it thro the same session in all its stages. After approval, a draft bill will be prepared and put thro Remaining stages

MW 7.2.38.

HS 7.2.38.

(4) Early

9/2/38

MW 11.2.38

HS 12/2/38

(5) I have put up a rough draft of Bill. Kindly see it typed.

HS 23/2/38.

(6) Send with a typed draft bill

HHH 24/2/38

(7) The Br. Indian Bill is to come into effect from 1.4.38, and the various provisions therein have specific reference to this date or year & a period corresponding to this date. Similar enactments will have to be taken in Mysore & other Govts. Tea Branch it would seem best to bring our

Proposed Legislation for Restriction of Tea 9

Serial No.

Enactment also with effect from that date.

(b) A draft Bill, prepared on the lines of the Bo. Indian Bill, is placed below, with the objects & reasons set out.

(c) This will be sent to the Legislation Section now, as urgent action seems necy.

4.30 a 1/3

1/3/38.

Dep. Secy.)

(d) Please speak to me tomorrow

1.3.38.

1/3

(e) Received instructions.)

(f) The sections and clauses agreed to be omitted are indicated in red pencil in the draft Bill.

(g) The whole of Chap. II relating to Reports is proposed to be omitted, retaining only S. 10, 18, & 19(1)(b) of the draft, as they are considered necessary.

(h) If approved, the file will be transferred to the L.C. Section for further necy. action. The Bill has been passed into

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-9-37

S-258/P 937

10 Legislation for restriction of tea cultivation.

3630

A&E File No. 157 D 1412 of 1937. | General and Revenue Secretariat

Revenue at one sitting, by the Central Legislature in the first week of this month.

11/6/3

4620/6/3

Dep. Secy.)

2(a) yes the L.C section may kindly take further action to prepare the requisite draft of the bill.

L.C. Section)

9.3.

11/6/3

2(b) This has to be dealt with in the Prot. Br. If agreed, this will be passed on to that Branch

Sd/- Profs. Grg

9/3/38 9.3.

9.3

2(c) From para 13 supra it is seen that the bill is to be passed in three sessions. The Act then comes into force only thereafter. The financial year," for the purposes of the Act Central Government therefore has

Serial No.

be the same as in B.o. India
From Para 22 it is seen
that the provisions relating
to export of tea
are to be omitted
But provision re-
the export quota
may have to be re-
tained
If so this means, the
proviso, will may be
changed as follows:-
"Whereas it is expe
dient to provide for
the fixing of the
quota for export
of tea from, and for
~~pos~~ the control of
the exportation of tea
~~from~~ in, Myanmar; It is
hereby enacted as follows
(3) In the date from which
the Act is to come into
force will have to
be some date after

this may be dated

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-8-37

from the day ... July 1939."

2(a) The words "as aforesaid" may be added after "export".

2(b) The definition of "commercial" seems unnecessary.

2(c) also unnecessary.

2(d) Licences to export will be issued by the Commissioner of Customs. It is not clear if only export out of India should be restricted or export from any part to or India.

The definition of export ... necessary as provision in respect of which has to be provided for it may be "Export" as follows:- "Export" means to

We may come into force at once.

9 Thirds &c.

No licence fees necessary for exports out of India for purposes of B.9.

"Export"

Delete to ... with the To C...

Serial No.

Trade out of Indo-Burma by land sea or air to any country specified by Govt in this behalf by notification in the official Gazette

2 (c) This words "for the State of Burma" seem unnecessary as it is implied in the defn. of "export

unnecessary

2 (h) ~~Trade figures of transfer~~ ~~report to be made from~~ ~~to be~~. This seems unnecessary as this is of importance only in determining the quota for the whole trade with reference to the export figures of India as a whole (vide S. 14 of Bur. Indian Act)

2 (K) The period to be given as the financial year is for orders.

This may remain

3 This is unnecessary as This duplication of Tariff working

unnecessary

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-8-37

of previous licences the power of appointment of that Servants employment

5 & 6 Dues may be remitted as they may think any amount for which may be collected by the controlling officers in respect and any accounts & books he may have to keep may be prescribed by rules.

7. This may remain with the end yes.

8. Part II some provisions of chap. II are perhaps necessary to keep which ment the arrangements & responsible in respect the provisions to licences.

8 & 9 may remain. yes

10. This portions in sq brackets may be omitted. yes

11. This may be retained with the changes indicated.

12 is unnecessary as no licence is to be issued - but all amt

Serial No.	
	13(1) may remain as it prescribes the procedure for applying for licences.
yes	
omit	(2) & (3) may be omitted.
omit	14 may be omitted as it seems to be unnecessary as it only provides for circumstances under which licences may be issued & the issuing authority is outside Kenya
yes	15 may remain with the changes indicated
omit	16 is unnecessary in view of what is contained in clause 8.
yes	17 may remain as it may be necessary to get these returns
omit	19 seems unnecessary as fees are to be sent to the committee.
yes	20(2) may remain subject to the portions indicated omitted

The other sections may remain

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-8-37

15

S-258 of 31

Legislation for restriction of Tea Cultivation

File No. of 193 | General and Revenue Secretariat

with the minor changes indicated thereon.

28 Submit for orders of the above changes may be adopted in the Bill drafted in the file. After orders a fresh Bill will be put up.

See 17/3 29 Please put up a note-bill on the above lines making reference of the Section clause.

KG 21/3

30 Submit with a fresh draft Bill

See 26/3 31 The bill has been further revised in consultation with the Asst. Secy Rev Dept according to the requirements of Sec 25 of the Tea Control Act of the Control Government

Secy Rev Dept

KG 31/3

S-121/31/3

32 The main point is in regard clause 3 (1) (2). Will the amending Act, as framed, also be retrospective in operation or only prospective.

Thanks

Secy Rev Dept

KG 4-4

33 To speak

KG 5/4/38

COUNCIL OF MINISTERS
4 APR. 1938
No. 7406

Renewal of tea restriction scheme

General and Revenue Secretariat | File No. A&E 151 of 1937. | [App. F. III—2

Serial No.

OFFICE SECOND MERGE ... SIL, 23 MAY 1938 No. 8943

34 Shaw spoken this under any amended some suggestions in pencil. After this framed a typed final draft- notice pumps.

Under secy
Pvt-R

MW. 11.5.38.

6 Pvt-R 18/5/38

35 I had a discussion with the Dev Secy and the draft has been revised as required by him. The alterations are indicated in pencil Dev Secy)

Dep. 18.5

36 Typed draft notice pumps amendments

MW 18.5.

IG 18/5

37 Subs with a typed draft.

HHD 19/5/38

IG 20/5

38 Dev. Secy)

6237 20.5.38.

39 Maybe placed Secretaries Dewan

MW. 23.5.

IG 23/5

Dep Secy 25/5/38

MW. 25.5.38

IG 25/5

41 Subs with a draft letter to the Residency forwarding a copy of the bill.

HHD 25/5/38

42 Dev. Secy)

IG 25/5

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-5-37

47 Renewal of Tea Restriction Scheme 2001/37 P

3630 D1843

File No. 151 of 193 7. General and Revenue Secretariat

43 The bill will after be forwarded when Receipt as required by them

Dewan 26/5

DEWAN'S OFFICE
RECEIVED 26 MAY 1938
No. 8161

44 Mr 25-5-38

45 Please issue and advise 26/5

Pol 1311 dt 27-5-38 To ~~Dewan~~ Secy to Resident

forwards a copy of bill for mysore

46 for information & suggestions if any

Subo for perusal after issue of it is for orders if further action may be deferred till the receipt of a reply from the Residency.

28/5/38.

47 Does not seem to be necessary. This will be referred to Hd D.C. Section now, if appr

6 36 28/5

48 Dew-Secy 29-5

49 Secy. Rit + L.C. Secy W/C.

50 This will be sent to the Prot.n Branch for verification and putting up copies of the Bill and the Statement of objects & reasons

Subo 30/5/38 30.5

51 30.5

Legislation for the restriction of ganja cultivation

700/35

14

Serial No.

OFFICE
SECOND MEMBER [illegible]
31 MAY 1938
No. 9191

S/2

The file will have to be sent to Sr. to by Dewan before the bills is placed before L.C.

S/3 Send for orders if the St. of general principles may in the meantime be placed before this A.A and the bills published for being introduced in the L.C of June.

S/4 A Statement of general principles and a Statement of objects and reasons will have also to be put up by the Draftsman.

S/5 30/5 The St. of Gen principles may be placed before the A.A & the bill may be published under rule 8 of the Rules of Business L.C pending submission of the file to His Highness as we have very little time left for publishing the bill

2nd Member
1st Member
Dewan

by 30/5

The last date for publication is 1.6.38.

S/6 A notification has been since issued extending the operation of the scheme. This

WD 0417—GPB—30,000—8-9-36

Legislation for the restriction of Tea cultivation

19

AKE File No. 151 of 1937

General and Revenue Secretariat

Serial No.

OFFICE OF THE SECOND MEMBER, EXECUTIVE COUNCIL.
1 JUNE 1938
No. 9242

may be referred to in the statement of [illegible] principles and in the statement of objects and reasons which has to be redrafted. All this should have been attended to earlier and the file sent in a complete form

NLL

Dept (V) 31/5/38

Hg 31/5

57 Subject matter of [illegible] principles [illegible] of objects & reasons

1/6/38 Typed drafts I & II [illegible] for approval.

1/6/38 (2nd member) Hg 1/6

60 NLL 1/6/38

61 2nd member was pleased to instruct me that the introduction of this bill may be postponed pending receipt of reply from the Residency with regard to the crop bill [illegible]

Hg 1/6

GEN. & REVENUE SECRETARIAT. JUNE 1938 DEVELOPMENT BRANCH.

62 NLL 1/6. 28/6

1/6

Legislation for the restriction of Tea cultivation.

3630

W

General and Revenue Secretariat — A Pb File No. 157 of 1937. — [App. F. III–2

Serial No.	
	63 Subd with a reminder as No reply has been recd from the Residency. Hotto 2/8/38. 64 Issue RS 2.8.38
	65 Issued Rt 16 d 3-8-38 to Secy. Agri. Co. No reply has yet been recd from the Residency. Subd for orders. Hotto 15/8/38. 66 Regd wires. "Awaiting reply for 3 or 4 days more."
	67 RS 15/8 Subd. No report has yet been recd Hotto 24/8/38.
3	from the Residency. No. R. D-is. No. 7. 340-38/R.O.II d 23/8/38. states that H-B. the Crown Representative considers the Mysore draft Bill for Tea control is suitable except re 1) control on extension of Tea cultivation & 2) appeals against decisions of Cmee. (3) The suggestion to delegate to the Tea Licensing Cmee the functions relating to control on extension of tea cultivation & to provide for appeals against the decisions of

Orders of Secy. Reply from the Residency may be awaited. Hotto 24/8/38.

TYPING SECTION 2 AUG 1938 DEPT. OF F. & C. SCOTT.

NOTE—Contn. Sheet.

Legislation for tea control in Mysore

2 3630 V 1080 1936 p 838

A46 File No. 157 of 1937. General and Revenue Secretariat

Serial No.

the Cmee is for consideration. The Draft Bill will have to be suitably modified, if this suggestion is accepted.

Hdo 25/8/38.

2° The file will now be sent to Leg. section, if appd.

HS 25/8.

899 27 ✓

Dr. Secy.

Yes. ~~They may make~~ The changes suggested may be made.

MV. 26.8. HS 26/8

2° Under Secy } WC } HM 26.8

3 A revised draft of chapter II is put up on the lines of the Bar Indians Act giving the Committee powers to grant permission for extension of tea cultivation as suggested by the Hon'ble Crown Representative. After approval a revised copy of the whole Bill will be put up. Secy. for orders.

Sy 29/8/38. chapter III is also suitably modified & secy for orders

Sy 30/8

Legislation re. 13½ / 1080 Tea Control in Lycopane

General and Revenue Secretariat — A & E File No. 157 of 1937. — [App. F. III–2

Serial No.	
	The necessary revision has been made in accordance with the opinion of the Resident Asam Representative
	75 further action may kindly be taken to bring into force the Gen principles of the Bill before the next N.A. whether cl 10(2) is necessary is for consideration)
	76 Maybe afforded as privy consideration
	77 Draft Bill is put up embodying the clauses as instructed. Powers under chapt II to control extension of tea cultivation are conferred on the Govt. cl 11(a) is inserted empowering the Govt to delegate these powers to the Indian Tea Licensing Committee. cl 11(2) provides for appeals to Govt against orders of the Committee & bars jurisdiction of Courts in respect of an order by the Committee under Sec 7(2)
	78 The matter is perhaps urgent & This may be viewed as an Emergency Act

a copy of Statement of Gen principle of Statement of objects & reasons are in the file

30·8

30·8

SECRETARIAT OF THE EXECUTIVE COUNCIL, ASSAM
31 AUG 1938
No. 1497

30·8

30·8

6/9/38

7/9/38

6 7/9

NOTE—Contn. Sheet.

23 Legislation re tea control in Mysore

1080

A&b File No. 151 of 1937.

General and Revenue Secretariat

Serial No.

~~DRAFT~~

81 The principles of this bill are proposed to be placed before the R. A. May be approved. This will be done after circulation

Dewan's

12.9.38

15/9/38

DEWAN'S OFFICE

1867

82 Mr

12-9-38

83 Chief Secy with compliments.

12.9.38.

15/9/38

CHIEF SECRETARY. * 13 SEP 1938 * GOVT. OF MYSORE.

84

Submitted

Chief Secy's memo is put up

85 signed

14/9

14/9

CPO

1080

24

For Disposal by Circulation. **No. C. 107**

.....193.8-39

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

Subject

Bill to provide for the control of export of tea from and the extension of the cultivation of tea in Mysore.

86 *Circulated to the Members of Council.*

By Order,

Chief Secretary to Government.

14th September 1938.

2930 14/9. **First Member of Council.** 87 15/9

Second Member of Council. (Seen)

88 Dev. Secy. with Compliments.

89 D.7.N. 15.9.38

90 Subd with a D.7.N. for consideration. 16/9.

91 Signed 7.N. put up. Dev. Secy. 92 19/9/38 20/9. 20.9.38 16.9.38

Legislation re tea control in Mysore.
1080
25

General and Revenue Secretariat — A/G File No. 151 of 1937. [App. F. III—2

Serial No.

94
D. S. N's Letter
20/9/38

95
Dew Secy.)

96 Dewans

11/20.9.

11/20.9.

1390/2039

DEWAN'S OFFICE
20 SEPT. 1938
2039

NOTE—Contn. Sheet

WD 0544—GPB—30,000—2-9-38

Final Note by the Second Member of Council.

Subject.—

Bill to provide for the control of export of tea from and the extension of cultivation of tea in Mysore.

97) The gracious approval of His Highness was obtained in June 1934 to restrict up to 31st March 1938 the further extension of cultivation of tea in Mysore in accordance with an international scheme for restricting the production of tea and the Indian Tea Control Act, 1933. The period of five years referred to above having expired and the Central Government having passed, in March last, the Indian Tea Control Act, 1938, a notification was issued in May 1938 restricting the extension of tea cultivation in Mysore for a further period of five years, pending examination of the need for legislation in the State on the lines of the Indian Tea Control Act, 1938, which contained fresh provisions not found in the Act of 1933.

A draft Bill has now been prepared to give legal sanction to the measures to be taken to control effectively the expansion of tea cultivation in the State and the export of tea grown in the State to any place outside India, specified by Government.

I solicit the gracious sanction of His Highness to place the general principles of the Bill before the Representative Assembly at its next session and to introduce the Bill itself in the Legislative Council in due course.

N. Madhava Rao

MEMBER OF COUNCIL.

Bangalore,
19th September 1938.

Submitted to His Highness.

97 I submit herewith a Final Note by the Second Member of Council on the question of introducing a Bill to provide for the control of export of tea from and the extension of cultivation of tea in Mysore for His Highness's gracious approval.

S Rajagopal

FIRST MEMBER OF COUNCIL
(in charge of the current duties of the Dewan

Bangalore,
20th September 1938.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Bill to provide for the control of export of tea from, and the cultivation of tea in, Mysore.

99 Ch Sec
SIO 23/9

No. 206

98 *Order.*

~~KRW~~
22/9/38

MMS
24.9.38

C.107 29

General and Revenue
Secretariat.

SUBJECT :—

Bill to provide for the control of export of tea from and the circulation of tea in, Myore.

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

100 Circulated to Members of Council for perusal of His Highness' orders before/~~after~~ issue of orders.* (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Government.

Through the Secretary to Government,

~~Revenue~~ ..... Department.

101 MW. 27.9.38.

FIRST MEMBER OF COUNCIL. (Seen)

2329 30.9.38

102

SECOND MEMBER OF COUNCIL. Nil 30/9/38

103 Secretary to Govt., Rev. Dept., with compliments

MW 30/9/38

MW 1.10.38

16 1.10

NOTE.—Contn. sheet.

WD 1170—G.P.B.—1,000—24-12-36

Tea Control Bill 1369 30

1080

General and Revenue Secretariat — A46 File No. 157 of 1937. — [App. F. III–2

Serial No.

4 NOV. 1938
3138

SECOND MEETING
4 NOV. 1938
No. 3517

104 Subs. The general principles of the bill have been accepted by the R.A. If approved, this may be referred to the protection Branch for further action.

Ltth
2/10/38.

1C§/4/10.

Dep Secy) 105 NW 3.10.

1C§/8/10.

Under Secy
Prot. Br. W/C. } hg/5-10

106 Subs. with copy of the proceedings of the R.A on the bill & the general principles were accepted by that House.

Subs for orders if the Bill & the St of objects & reasons may be published under such & of the L.C. Rules

H.S.

26/10/38 & 107)
DNW. If approved this will be published under Rule 8 of the Rules & Business L.C

2nd member & Secy can) 108 NW hg 4.11.38

4/11/38

109) Mo
4-11-38

hg/5.11

NOTE—Contn. Sheet.

3/

D-788/L.C 136/

Dear control Bill

File No. of 193

General and Revenue Secretariat

Serial No.

20. L.C. Office wish 3 copies of this Bill re etc. of objections and reasons.

SG 7/11/38.

OFFICE OF THE SECRETARY
7 NOV. 1938
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

110) Three copies of the Bill taken and the file put to Prot. B.

AR 8/11/38 8.11

111) The Bill has been published. The following motions are submitted for orders:

(a) Motion that the Bill be read in Council

Mover: Second member

Seconder: Dep. Secy

(b) Motion that the Bill be referred to a Select Committee

Mover: Second member

Seconder: Dep. Secy.

111 SG 5/1/39. approved by the 2nd member to be put up

This seems to be an urgent bill. Hon? may perhaps be passed at one sitting suspending the Rules re Business & Standing orders with reference to S.C.

2nd member

Please speak to us

113

OFFICE OF THE SECOND MEMBER OF COUNCIL
5 JAN. 1939
No. 6.2.M.2.

D·1065/L.C. 1361

32

Tea Control Bill.

General and Revenue Secretariat | File No. | of 193 . | [App. F. III—2

Serial No.

114) The following amended motions are submitted for orders.

(a) Motion that the Bill be read in Council

Mover : Second Member

Seconder : Devt. Secy.

(b) Motion that the rules of business and standing orders be suspended and the Bill be taken into Consideration without reference to a Select Committee

Mover : Second Member

Seconder : Devt. Secy.

(c) Motion that the Bill be passed.

Mover : Second Member

Seconder : Devt. Secy.

OFFICE OF THE SECRETARY
12 JAN. 1939
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL.

Sone 12.1.39.

approved by 2nd member.
hsp 12/1

To L. C. Office for note and return

Sone 12.1.39. 115) Noted & returned.
BVN 16-1-39
Protg Secy.
16.1

OFFICE OF THE SECOND MEMBER OF COUNCIL
2 - FEB. 1939
7138

116) The Bill was passed by the L.C. at its recent session a draft final note is submitted.

Sone 30.1.39 BVN 2nd member) 117) P.C. 2.2

hsp 1.2.39

Signed Final Note placed in the file.

2.2.39

NOTE.—Contn. Sheet.

WD 0244—GPB—30,000—2-9-83

Tea Control Bill.

File No. of 193

General and Revenue Secretariat

U.S.) Bucks with D.S.N. D.S.N. Put up
Dewan) 3.2.39
3.2.39

DEWAN'S OFFICE
3 FEB. 1939
No. 5609

Submitted to His Highness.

(122)

I submit herewith a Final Note by the Second *Member of Council on the subject of* the promulgation into law of the Bill to provide for the control of export of Tea from and extension of the cultivation of Tea in Mysore, *for His Highness' gracious* ~~*approval*~~ sanction.

Mirza M. Ismail
Dewan.

Camp: Jog,
4th February 1939.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Promulgation into law of the Bill to provide for the control of export of Tea from and extension of the cultivation of Tea in Mysore

9-2-39

NO 549

123)

Order.

~~KRW~~

7/2/39

MS

9.2.39

36

General and Revenue
Secretariat.

H. H 548

SUBJECT:—

Promulgation into law of the Bill to provide for the control of export of Tea from and extension of the cultivation of Tea in Mysore

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(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

124

Circulated to Members of Council for perusal of His Highness' orders before/~~after~~ issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Government.

Through the Secretary to Government,

Devl. Dept. ....Department.

9.2.39

125

6449
10.2.39

FIRST MEMBER OF COUNCIL.

10/2/39

126

7319
10.2.39

SECOND MEMBER OF COUNCIL.

10.2

Protn.

10/2

11.2

NOTE.—Contn. sheet

WD 01152—GPB—750—21-12-38

Sea Customs Act VII of 1939 37

General and Revenue Secretariat | Leg. File No. 33 of 1938. | [App. F. III—2

Serial No. 127

This Bill has received the gracious sanction of His Highness on the 7th day of February 1937 for being promulgated into law.

A draft G. O. directing its Publication as Act VII of 1939 is submitted.

Tone 11.2.39. Gen Secy

hy 13.2.

127 hy 13.2.39

hy 13.2

SECRETARY. GENERAL 13 FEB. 1939

Issued G.O. P 4374 dated 14.2.39 directing Publication as Act VII of 1939

A. Rec

NOTE—Contn. Sheet.

WD 0544—GPB—30,000—2-9-38

38

Tea Control Act VII of 1938

54/67/P

General and Revenue Secretariat | Legis File No. 33 of 1938. | [App. F. III—2

Serial No.

From The Secretary to the Hon'ble the Revenue Member's D.O. No. 7.62.39 R.O. II dated 28th Feby. 39 asking whether the draft bill has been modified as suggested in their letter dated 23rd Aug. 38 and requesting to send copies of the bill for transmission to the Political Dept.

(1) Kind reference is invited to May '2' the letter referred on to in the P.V.D.. The suggestion of the Crown Representative was to modify Chap II so as to be in conformity with the Indian Tea Control Act of 1938. re: the delegation of functions to the Licensing Committee and appeals against the decisions of the Committee to lie with the Govt. In this connection, reference is invited to the Notes (Para 69 to 80) which show that the draft bill has been modified as suggested in the Resy letter. Perhaps copies of the Act may be sent to the Residency for transmission to the Political Dept.

Clause 11 of Chap II

(2) 3/3

(3) put up a draft

hg 3.3

(4) Subd with a draft

(5) Secy

(6) 4/3

hg 4.3.39

(7) 4/3

(8) 10.3.39

(9) 10.3

(10) 10.3

TYPING SECTION 2 1939 GEN. & REV. SECTT.

NOTE—Contn. Sheet.

WD 0544—GPB—30,000—2-9-83

39)

Tea Control Act

Legs. File No. 33 of 1938.

General and Revenue Secretariat

33)

Nine Copies each of all the Acts recently passed have been already sent to the Residency along with letter no Pol 1107 dated 8th March 1939. The draft letter is unsigned slightly altered the word "nine" being altered to "two".

Done
11.3.39

Attention is opened by the Undersecretary

Returned Pol 1121 dated 11.2.39 to the Secy to the Hon'ble the Resident.

A. Rae
11.3.39

STATEMENT OF THE GENERAL PRINCIPLES OF THE TEA CONTROL BILL.

...

In accordance with an international scheme for restricting the production of tea, the Indian Tea Control Act 1933 was enacted in British India. In conformity with that scheme expansion of tea cultivation in Mysore was restricted by Notification No. Camp D.46/A.&.E.219-33-16 F. dated 19th June 1934. That scheme expired both in British India and Mysore on 31st March 1938. On the agreement of t Representatives of the Tea Industry the scheme has been extended for a further period of five years and the Indian Tea Control Act 1938 has been passed. The operation of the scheme has also been extended in Mysore by Notification No.D.8535-A.&.E. 80-37-4 dated 7th May 1938. In order that the tea estates in Mysore may be able to procure export licences from the Committee constituted under the Indian Tea Control Act 1938 to the extent of their quota based on the crop basis, it is necessary to pass a legislative enactment providing for the control of export of tea from and for the control of the extension of the cultivation of tea in the State.

It is proposed to introduce such legislation as above ~~a measure. It is intended~~ to give legal sanction for the measures to be taken to control effectively the expansion of cultivation of tea in the State. No tea can be exported out of India to any place specified by Government unless it is covered by a licence granted by the Committee constituted under the India Tea Control Act 1938. No land which was not planted with tea on the 31st March 1938 can be planted with tea without the written permission of Government.

Powers of Government relating to control on extension of tea cultivation may be delegated to the Committee. Appeals against the decisions of the Committee will, however, lie with Government.

DEVELOPMENT SECRETARIAT.

No. D. 8535—*A. & E.* 80-37-4, *dated* 5—7*th May* 1938.

Whereas, in accordance with an International Scheme for restricting the production of tea, the Indian Tea Control Act, 1933, had been enacted in British India, whereby the extension of cultivation of tea in British India is controlled and the export of tea from any port in India is prohibited except under a license issued by or on behalf of the Committee constituted under that Act, and, in furtherance of the same object, the Indian Tea Control Act of 1938 was passed by the Central Legislature in March last.

And whereas, in pursuance of the British Indian Act of 1933, a Notification No. Camp D. 46—A. & E. 219-33-16 (f), dated 19th June 1934, had been promulgated in Mysore, which notification having now ceased to be operative, the Government of His Highness the Maharaja of Mysore are pleased to direct by means of this notification that upto and inclusive of the 31st day of March 1943, no one shall, after the 1st day of April 1938, plant tea in any land which had not already been planted with tea save in pursuance of a written permission granted by the Government on the recommendation of the Committee constituted under the Indian Tea Control Act, 1938.

Explanation.—Land which on the 31st day of March 1938 had been continuously for the two years immediately preceding, planted with tea, or, in accordance with agricultural practice on tea estates was lying fallow on the 31st March 1938 shall be deemed to have been already planted with tea, for the purposes of this notification.

By Order,

M. VENKATANARANAPPA,
Secretary to Government,
Development Department.

the B for 79 40

A Bill to provide for the control of export of tea from and the extension of the cultivation of tea in Mysore.

Whereas it is expedient to provide for the control of export of tea from and for the control of the extension of the cultivation of tea in Mysore; it is hereby enacted as follows:-

Short title, extent, Commencement and duration.

1. (1) This Act may be called the Mysore Tea Control Act 1938.

(2) It extends to the whole of Mysore.

(3) It shall come into force at once.

(4) It shall remain in force up to the 31st March 1943.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,

(a) "Committee" means the Indian Tea Licensing Committee constituted by the Government of India under the Indian Tea Control Act, 1938.

(b) "Export" means to take out of India by land, sea or air to any place specified by the Government in this behalf by notification in the official gazette.

(c) "Owner" includes any agent of an owner;

(d) "Prescribed" means prescribed by rules under this Act;

(e) "Tea" means -

(1) in Chapter II and Chapter III, the plant Camellia Thea (Linn.) and,

(2) elsewhere, the commodity known as tea made from the leaves of the plant Camellia Thea (Linn.), including green tea but excluding tea waste; and "Tea seed" includes seeds, r roots, stumps, cuttings, buds, and any livin portion of the plant Camellia Thea (Linn.) which may be used to propagate that plant.

Chapter I.

Control over the Export of Tea.

...

Limitation of Application of Chapter.

3. Nothing in this chapter shall apply to tea exported by post in packages not exceeding one pound avoirdupois in weight.

Control of export of tea and tea seed

4. (1) No tea shall be exported unless covered by a licence issued by or on behalf of the Committee.

(2) No tea seed shall be exported unless covered by a permit issued by or on behalf of the Government.

Chapter II.

CONTROL OVER THE EXTENSION OF TEA CULTIVATION.

Method of control of extension of tea cultivation.

5. So long as this Act remains in force, no one shall plant tea in any land which was not planted with tea on the 31st day of March, 1938, save in pursuance of a written permission granted by or on behalf of the Government.

Provided that this section shall apply to the replacing of tea areas by planting new areas, but nothing in this section shall prohibit the infilling of or supplying of vacancies on land planted with tea at the 31st day of March 1933, or the replanting of tea upon:-

(a) land planted with tea at the 31st day of March 1933, from which the original bushes have been uprooted, or

(b) land planted with tea at the 31st day of March, 1931, from which the original bushes have been uprooted

Limitations to the extension of tea cultivation.

6. (1) Subject to the provisions of section 8 and section 9, the total area of land in Mysore in respect of which the permissions referred to in section 5 may be granted, shall not exceed one-half of one per cent. of the total area of the land planted with tea in Mysore on the 31st day of March 1938.

(2) Subject to the provisions of section 8 and section 9 the total area of land in Mysore in respect of

which such permissions may be granted, shall be determined by the Government and shall be as near as may be one-half of one per cent of the total area in the State which was planted with tea on the 31st day of March 1938.

(3) The Government shall publish the total area so determined by notification in the Official Gazette as soon as may be after the commencement of this Act.

(4) The Government shall grant permission for planting new areas to the tea estates in accordance with rules to be prescribed up to the total area in the State as may be determined under sub-clause (3) provided that permission shall be granted to extend an existing area planted with tea only to a tea estate of which the total existing area planted with tea does not exceed 300 acres where the estate is owned by a limited liability company, or 150 acres where it is owned by any individual proprietor or proprietors.

Grant of permission to plant tea.

7. (1) Applications for permission to plant tea on any land not planted with tea on the 31st day of March, 1938, shall be made to the Government not later than six months from the commencement of this Act and shall contain a clear statement of all special circumstances justifying the application.

(2) Subject to the limits laid down in section 6, the Government may grant or refuse the permission applied for or may grant it in part only, or may call for further information from the applicant.

Grant of permission to plant tea in special circumstances.

8. Where any land which was on the 31st day of March, 1933 planted with tea:-

(a) has since become wholly incapable of carrying tea through subsidence, flood, erosion, earthquake or other irresistible superhuman cause, or,

(b) has since been compulsorily acquired under the provisions of the Land Acquisition Act 1894, or of any other law for the time being in force and no longer

carries tea, the owner of the tea estate in which such land was situated may apply to the Government for permission to plant tea on land not planted with tea.

(2) Upon such application being made and upon proof to the satisfaction of the Government that the applicant is entitled to the benefit of sub-section (1), the Government may grant permission to plant tea on land not planted with tea:

Provided that the area of land, in respect of which such permission is granted, shall be within the area of the same tea estate and shall not exceed in extent the area of the land incapable of carrying tea or compulsorily acquired, as the case may be.

(3) All areas of land in respect of which permission to plant tea is granted under this section shall be excluded when computing for the purposes of section 6 the total area of land in respect of which the permissions referred to in section 5 may be granted.

Tea Nurseries.

9. (1) Subject to the provisions of Sub-section (4) the owner of a tea estate may establish nurseries on land not previously planted with tea for the growing of plants intended for infilling or supplying vacancies or for replanting land planted with tea within the area of the estate of for any other purpose approved by the Government.

Provided that the total area utilised for nurseries in Mysore shall not upon the 31st day of March 1943, exceed the area so utilised in Mysore on the 31st day of March 1933.

(2) All areas of land utilised for nurseries in accordance with this section shall be excluded when computing for the purposes of section 6 the total area of land in respect of which the permissions referred to

in section 5 may be granted.

(3) The Government may at any time serve by post a notice upon the owner of any tea estate or upon his manager requiring him to furnish within such period not being less than thirty days as may be specified in the notice such returns relating to the area of the land utilised for nurseries as it may deem necessary.

(4) If any return required under sub-section (3) is not furnished within the period specified in the notice or if in the opinion of the Government the total area of the land utilised for nurseries is excessive, the Government may make such restrictive or other order as it deems necessary and in particular may order the uprooting of any bushes planted on any such land.

Power ~~of the Committee~~ to call for returns and to inspect.

10. (1) The Government may at any time serve by post a notice upon the owner of any tea estate or upon his manager requiring him to furnish within such period not being less than thirty days as may be specified in the notice such returns relating to the cultivation of tea on the estate as it may deem necessary.

(2) Any person authorized by the Government in this behalf may at any reasonable time enter upon and inspect the lands of any tea estate and may require the owner of the estate to produce for inspection any records of the tea estate in his control or custody relating to the cultivation of tea on the estate.

(3) Where any return required under sub-section (1) in respect of any tea estate is not furnished within the period specified in the notice, the Government may refuse to grant any permission under section 7 to plant tea on that estate.

Delegation of Powers.

11. (1) Government may delegate the powers

conferred on it under sections 5, 6, 7, 8, 9 and 11 to the Committee.

(2) When the powers are so delegated to the Committee (a) any applicant aggrieved by an order of the Committee under section 7, section 8 or section 9 may appeal to the Government within sixty days from the date thereof and the Government may cancel, modify or suspend any such order; (b) the records of the Committee relating to the proceedings under this chapter shall be open to inspection at all reasonable times by ~~every~~ any officer authorized in this behalf by the Government; (c) no order by ~~the Committee~~ under sub-section (2) of section 7 shall be called in question by any court.

CHAPTER III.

Penalties and Procedure.

Penalty for making false return.

12. Any owner of a tea estate or his agent or manager who has furnished any return under sub section (3) of section 9 or under sub section (3) of section 10 containing any particular which is false and which he knew to be false or did not believe to be true shall be punishable with fine which may extend to one thousand rupees.

Penalty for obstructing inspection.

13. Whoever obstructs any person authorized by the Government while such person is entering upon or inspecting the lands of any tea estate under sub-section (2) of section 10 and whoever, having control over or custody of any records of a tea estate relating to the cultivation of tea on that estate, refuses or fails to produce such records when required by the Government or by a person authorized by the Government under that sub section shall be punishable with fine which may extend to one thousand rupees.

Penalty for illicit cultivation.

14. (1) Whoever knowingly plants tea or causes

tea to be planted in any land in contravention of section 5 shall be punishable with fine which may extend to one thousand rupees for the first offence, and with fine which may extend to five thousand rupees for any subsequent offence.

(2) Whoever uses any land in contravention of any order made by the Government or the Committee under section 9 or fails to comply with any order made by the Government or the Committee under sub section (4) of section 9 shall be punishable with fine which may extend to one thousand rupees.

Removal of tea planted without permission.

15. Where any person has been convicted of any offence under section 14 the convicting Court may direct that the tea in respect of which the offence was committed shall be removed from the land within a specified time, and, in the event of the order not being duly complied with, may cause the tea to be removed and may recover the cost from the person convicted as if it were arrears of land revenue due on the tea estate on which the offence was committed.

Trial of offences under Sections 12,13,14.

16. No magistrate other than a magistrate of the First Class shall take cognizance of an offence under Section 12, 13 and 14 and such magistrate may take congnizance of an offence only upon complaint made by the officer duly approved by Government and with the previous sanction of the Government.

CHAPTER IV.
Rules.

Rules.

17. (1) The Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) All rules made under this Act shall be published in the official gazette and on such publication shall have effect as if enacted in this Act.

(3) Such rules may provide that a breach thereof shall be punishable with fine which may exceed to Rs. 1,000.

48

Statement of objects and reasons.

In accordance with an international scheme for restricting the production of tea, the Indian Tea Control Act 1933 was enacted in British India. At the request of the holders of tea lands in Mysore the scheme was given effect to in Mysore by Notification No. Camp D.46/A & E. 219-33-16 F. dated 19th June 1934, restricting the extension of tea cultivation in the State. No legislation was then considered necessary as the cultivation of tea in Mysore was confined to a small extent.

The Tea Control Act 1933 expired on 31st March 1938 in British India. But the representatives of tea industry in India, Ceylon and the Netherlands Indies executed an agreement for the renewal of the scheme for a further period of five years from 1st April 1938. The Government of India have accordingly enacted Act VIII of 1938. The scheme has also been extended in Mysore up to and inclusive of 31st March 1943 by Notification No. D.8535-A & E. 80-37-4 dated 7th May 1938. According to the scheme, export of tea is controlled by the issue of licences by a committee in which South Indian Tea Estates will also be represented. The licences will extend to export quotas fixed on a crop basis. But according to section 25 of the Indian Tea Control Act 1938 licences for the export of tea produced in an Indian State are to be issued only where legislation enacted in any such state provides for the control of tea from and for the control of the extension of the cultivation of tea in the State. It has therefore become necessary to introduce a measure providing for these so that the benefits of the scheme may be availed of by the owners of tea estates in Mysore.

Sec

Statement of objects and reasons.

In accordance with an international scheme for restricting the production of tea, the Indian Tea Control Act 1933 was enacted in British India. At the request of the holders of tea lands in Wyaore the scheme was given effect to in Wyaore by Notification No. Camp 0.40/A dated 15th June 1934, restricting the extension of tea cultivation in the state. No legislation was then considered necessary as the cultivation of tea in Wyaore was confined to a small extent.

The Tea Control Act 1933 expired on 31st March 1938 in British India. But the representatives of tea industry in India, Ceylon and the Netherlands Indies executed an agreement for the renewal of the scheme for a further period of five years from 1st April 1938. The scheme has accordingly been extended in Wyaore up to and inclusive of 31st March 1943 by Notification No. D.8535-A/G dated 7th May 1938. According to the scheme export of tea is controlled by the issue of licenses by a committee in which South Indian Tea States will also be represented. The licenses will extend to export quotas fixed on a crop basis, but according section 25 of the Indian Tea Control Act 1933 licenses for the export of tea produced in any Indian state are to be issued only where legislation enacted in any such state provides for the control of them and for the control of the extension of the cult tion of tea in the State. It has therefore become necessary introduce the measure providing for these

NOTIFICATION.

No. 976—L. C., dated Bangalore the 11th November 1938.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to provide for the control of export of Tea from and extension of the cultivation of Tea in Mysore is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,
Secretary,
Mysore Legislative Council.

Bill to provide for the control of export of Tea from and extension of the cultivation of Tea in Mysore.

Whereas it is expedient to provide for the control of export of Tea from and for the control of the extension of the cultivation of Tea in Mysore; It is hereby enacted as follows:—

Short title, extent, commencement and duration.

1. (1) This Act may be called the Mysore Tea Control Act 193 .
(2) It extends to the whole of Mysore.
(3) It shall come into force at once.
(4) It shall remain in force up to the 31st March 1943.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,

(*a*) "Committee" means the Indian Tea Licensing Committee constituted by the Government of India under the Indian Tea Control Act, 1938

(*b*) "Export" means to take out of India by land, sea or air to any place specified by the Government in this behalf by notification in the official Gazette.

(*c*) "Owner" includes any agent of an owner;

(*d*) "Prescribed" means prescribed by rules under this Act;

(*e*) "Tea" means—

(1) in Chapter II and Chapter III, the plant *Camellia Thea* (Linn) and,

(2) elsewhere, the commodity known, as tea made from the leaves of the plant *Camellia Thea* (Linn), including green tea but excluding tea waste; and "Tea seed" includes seeds, roots, stumps, cuttings, buds and any living portion of the plant *Camellia Thea* (Linn) which may be used to propagate that plant.

CHAPTER I.

CONTROL OVER THE EXPORT OF TEA.

Limitation of application of Chapter.

3. Nothing in this Chapter shall apply to tea exported by post in package not exceeding one pound *avoirdupois* in weight.

Control of export of tea and tea seed.

4. (1) No tea shall be exported unless covered by a license issued by or on behalf of the Committee.

(2) No tea seed shall be exported unless covered by a permit issued by or on behalf of the Government.

CHAPTER II.

CONTROL OVER THE EXTENSION OF TEA CULTIVATION.

Method of control of extension of tea cultivation.

5. So long as this Act remains in force, no one shall plant tea in any land which was not planted with tea on the 31st day of March 1938, save in pursuance of a written permission granted by or on behalf of the Government.

Provided that this Section shall apply to the replacing of tea areas by planting new areas, but nothing in this Section shall prohibit the infilling of or supplying of vacancies on land planted with tea at the 31st day of March 1933, or the replanting of tea upon:—

(*a*) land planted with tea at the 31st day of March 1933, from which the original bushes have been uprooted, or

(*b*) land planted with tea at the 31st day of March 1931, from which the original bushes have been uprooted,

Limitations to the extension of tea

6. (1) Subject to the provisions of Section 8 and Section 9, the total area of land in Mysore in respect of

which the permissions referred to in Section 5 may be granted, shall not exceed one-half of one per cent of the total area of the land planted with tea in Mysore on the 31st day of March 1938.

(2) Subject to the provisions of section 8 and section 9 the total area of land in Mysore in respect to which such permissions may be granted, shall be determined by the Government and shall be as near as may be one-half of one per cent of the total area in the State which was planted with tea on the 31st day of March 1938.

(3) The Government shall publish the total area so determined by notification in the official Gazette as soon as may be after the commencement of this Act.

(4) The Government shall grant permission for planting new area to the tea estates in accordance with rules to be prescribed up to the total area in the State as may be determined under sub-clause (3), provided that permission shall be granted to extend an existing area planted with tea only to a tea estate of which the total existing area planted with tea does not exceed 300 acres where the estate is owned by a limited liability company, or 150 acres where it is owned by any individual proprietor or proprietors.

Grant of permission to plant tea.

7. (1) Applications for permission to plant tea on any land not planted with tea on the 31st day of March 1938, shall be made to the Government not later than six months from the commencement of this Act and shall contain a clear statement of all special circumstances justifying the application.

(2) Subject to the limits laid down in Section 6, the Government may grant or refuse the permission applied for or may grant it in part only, or may call for further information from the applicant.

Grant of permission to plant tea in special circumstances.

8. Where any land which was on the 31st day of March 1933, planted with tea :—

(*a*) has since become wholly incapable of carrying tea through subsidence, flood, erosion, earthquake or other irresistable superhuman cause, or,

(*b*) has since been compulsorily acquired under the provisions of the Land Acquisition Act, 1894, or of any other law for the time being in force and no longer carries tea, the owner of

the tea estate in which such land was situated may apply to the Government for permission to plant tea on land not planted with tea.

(2) Upon such application being made and upon proof to the satisfaction of the Government that the applicant is entitled to the benefit of sub-section (1), the Government may grant permission to plant tea on land not planted with tea:

Provided that the area of land, in respect of which such permission is granted, shall be within the area of the same tea estate and shall not exceed in extent the area of the land incapable of carrying tea or compulsorily acquired as the case may be.

(3) All areas of land in respect of which permission to plant tea is granted under this Section shall be excluded when computing for the purposes of Section 6 the total area of land in respect of which the permissions referred to in Section 5 may be granted.

Tea Nurseries.

9. (1) Subject to the provisions of sub-section (4) the owner of a tea estate may establish nurseries on land not previously planted with tea for the growing of plants intended for infilling or supplying vacancies or for replanting land planted with tea within the area of the estate or for any other purpose approved by the Government.

Provided that the total area utilised for nurseries in Mysore shall not upon the 31st day of March 1943, exceed the area so utilised in Mysore on the 31st day of March 1933.

(2) All areas of land utilised for nurseries in accordance with this Section shall be excluded when computing for the purposes of Section 6 the total area of land in respect of which the permission referred to in Section 5 may be granted.

(3) The Government may at any time serve by post a notice upon the owner of any tea estate or upon his manager requiring him to furnish within such period not being less than thirty days as may be specified in the notice such returns relating to the area of the land utilised for nurseries as it may deem necessary.

(4) If any return required under sub-section (3) is not furnished within the period specified in the notice or if in the opinion of the Government the total area of the land utilised for nurseries is excessive, the Government may make such restrictive or other order as it deems

necessary and in particular may order the uprooting of any bushes planted on any such land.

Power to call for returns and to inspect.

10. (1) The Government may at any time serve by post a notice upon the owner of any tea estate or upon his manager requiring him to furnish within such period not being less than thirty days as may be specified in the notice such returns relating to the cultivation of tea on the estate as it may deem necessary.

(2) Any person authorised by the Government in this behalf may at any reasonable time enter upon and inspect the lands of any tea estate and may require the owner of the estate to produce for inspection any records of the tea estate in his control or custody relating to the cultivation of tea on the estate.

(3) Where any return required under sub-section (1) in respect of any tea estate is not furnished within the period specified in the notice, the Government may refuse to grant any permission under Section 7 to plant tea on that estate.

Delegation of powers.

11. (1) Government may delegate the powers conferred on it under Sections 5, 6, 7, 8, 9, 10 and 11 to the Committee.

(2) When the powers are so delegated to the Committee (*a*) any applicant aggrieved by an order of the Committee under Section 7, Section 8 or Section 9 may appeal to the Government within sixty days from the date thereof and the Government may cancel, modify or suspend any such order; (*b*) the records of the Committee relating to the proceedings under this chapter shall be open to inspection at all reasonable times by any officer, authorized in this behalf by the Government; (*c*) no order under sub-section (2) of Section 7 shall be called in question by any court.

CHAPTER III.

Penalties and Procedure.

Penalty for making false return.

12. Any owner of a tea estate or his agent or manager who has furnished any return under sub-section (3) of Section 9 or under sub-section (1) of Section 10 containing any particular which is false and which he knows to be false or did not believe to be true shall be punishable with fine which may extend to one thousand rupees.

Penalty for obstructing inspection.

13. Whoever obstructs any person authorised by the Government while such person is entering upon or inspecting the lands of any tea estate under sub-section (2) of Section 10 and whoever, having control over or custody of any records of a tea estate relating to the cultivation of tea on that estate, refuses or fails to produce such records when required by the Government or by a person authorized by the Government under that sub-section shall be punishable with fine which may extend to one thousand rupees.

Penalty for illicit cultivation.

14. (1) Whoever knowingly plants tea or causes tea to be planted in any land in contravention of Section 5 shall be punishable with fine which may extend to one thousand rupees for the first offence, and with fine which may extend to five thousand rupees for any subsequent offence.

(2) Whoever uses any land in contravention of any order made by the Government or the Committee under Section 9 or fails to comply with any order made by the Government or the Committee under sub-section (4) of Section 9 shall be punishable with fine which may extend to one thousand rupees.

Removal of tea planted without permission.

15. Where any person has been convicted of any offence under Section 14 the convicting Court may direct that the tea in respect of which the offence was committed shall be removed from the land within a specified time, and, in the event of the order not being duly complied with, may cause the tea to be removed and may recover the cost from the person convicted as if it were arrears of land revenue due on the tea estate on which the offence was committed.

Trial of offences under sections. 12, 13, 14.

16. No Magistrate other than a magistrate of the First Class shall take cognizance of an offence under Sections 12, 13 and 14 and such magistrate may take congnizance of an offence only upon complaint made by the officer duly approved by Government and with previous sanction of the Government.

CHAPTER IV.

Rules.

Rules.

17. (1) The Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) All rules made under this Act shall be published in the official Gazette and on such publication shall have effect as if enacted in this Act.

(3) Such rules may provide that a breach thereof shall be punishable with fine which may extend to Rs. 1,000.

Statement of objects and reasons.

In accordance with an international Scheme for restricting the production of tea, the Indian Tea Control Act, 1933 was enacted in British India. At the request of the holders of tea lands in Mysore the Scheme was given effect to in Mysore by Notification No. Camp D. 46—A. & E. 219-33-16, F. dated 19th June 1934, restricting the extension of tea cultivation in the State. No legislation was then considered necessary as the cultivation of tea in Mysore was confined to a small extent.

The Tea Control Act, 1933 expired on 31st March 1938 in British India. But the representatives of tea industry in India, Ceylon and the Netherlands Indies executed an agreement for the renewal of the Scheme for a further period of five years from 1st April 1938. The Government of India have accordingly enacted Act VIII of 1938. The Scheme has also been extended in Mysore up to and inclusive of 31st March 1943 by Notification No. D. 8535—A. & E. 80-37-4, dated 7th May 1938. According to the Scheme, export of tea is controlled by the issue of licences by a committee in which South Indian Tea Estates will also be represented. The licences will extend to export quotas fixed on a crop basis. But according to Section 25 of the Indian Tea Control Act, 1938 licences for the export of tea produced in an Indian State are to be issued only where legislation enacted in any such State provides for the control of tea from and for the control of the extension of the cultivation of tea in the State. It has therefore become necessary to introduce a measure providing for these so that the benefits of the Scheme may be availed of by the owners of tea estates in Mysore.

Printed by the Superintendent at the Government Press, Bangalore.

VI. General Principles of the Tea Control Bill

The Secretary to Government, Development Department (Mr. M. Venkatanaranappa), explained the general principles of the bill as follows:-

Mr. H.K. VEERANNA GOWDA, speaking on behalf of the Congress party, said that the party had decided to support the bill because it would not only control the extension of tea cultivation in the State but would also encourage the planters to maintain their estates in an efficient condition with a view to getting their quota. He then wished to know whether there would be only official members on the committee referred to in the statement or others representing any other interest.

The SECOND MEMBER (Rajamantrapravina V. Madhava Rau) replied that the committee would be thoroughly representative.

Mr. S. RANGANNAIYA pointed out that while the South Indian Tea planters and the Travancore State had their own representatives on the Committee, Mysore had no representative therein. He wanted the Government to insist that Mysore also should be represented on the committee, as a matter of principle.

Mr. V. MADHAVA RAU said that representation on the Committee was not given merely on geographical considerations. Besides, out of a total acreage of 8 lakhs under tea cultivation in India, there were only 40000 acres of tea estates in the Mysore State. This was a small fraction of the total area, so that it might not be very necessary on this one score alone to press for special representation. But it should be remembered that the South Indian Planters' Association would safe-guard the interests of the planters in the Mysore State also. Besides, nothing was possible for the present as the act

as already passed in British India would remain in force for the next 5 years.

Mr. ALFRED MIDDLETON also supported the measure.

The general principles of the bill were accepted by the House.

A+E 151-37-1 Pol. 1133

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No. F.301-37 / R.O. II Enc. 1. 3630. 1

FROM

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
Development Department.

Dated Bangalore, 8th January *193*8.

RENEWAL OF THE TEA RESTRICTION SCHEME.

SIR,

B
Serials 1-4
Serials 5-7

I am directed to refer to the correspondence resting with your letter No. Pol.1528/A & E 202-36, dated the 21st June 1937, and to forward a copy of a bill to provide for the control of the export of tea from and for the control of the extension of the cultivation of tea in British India, as introduced in the Legislative Assembly on the 6th October 1937.

2. It has been suggested that the Indian States concerned should prepare drafts more or less on similar lines for enactment in the States. I am to ask that, if there is no objection, a copy of the draft prepared by the Government of Mysore may be forwarded to this Residency for transmission to the Political Department, so that it may be possible for them to suggest any modifications that may be necessary in the event of any amendment being made to the Indian Tea Control Bill by the Indian Legislature. It will be seen that the bill contains only the fundamental principles of the scheme as provided for in the International Tea Agreement of 1936 and also lays down the machinery required to carry on the scheme.

I have the honour to be,
Sir,
Your most obedient servant,

for SECRETARY TO THE RESIDENT.

BJ

the destinations to which they were bound.

Certain out-markets, such as Iraq, Persia and Egypt, have already received quantities of tea much in excess of their normal requirements and no further licences, therefore, will be issued for private exports to those countries.

As regards other destinations, licences will continue to be issued by the Export Trade Controllers, for the present, for the clearance of stocks held by exporters, provided that:-

(a) the stocks are covered by definite contracts actually entered into and completed before September 15, 1942, for the sale of tea to parties in out-markets; and

(b) the teas also were actually in the possession of exporte before that date.

This decision is subject to review if at any time it transpires that any out-markets are receiving abnormal supplies through private agencies. The Government of India desire to make it clear that it would be possible for exporters, whose stocks are not licenced under the above-mentioned conditions, to offer such frustrated stocks to the Ministry of Food through the Tea Controller, Calcutta.

Commerce Department.
New Delhi, October 26, 1942.

PRESS NOTE DATED 28th October 1942.

INDIA'S TEA RESERVE.

TO BE MAINTAINED AT 130 MILLION LBS.

There appears to be a certain amount of speculative hoarding of Indian tea, apparently under the impression that there may be a shortage for internal consumption during the current year.

It may be stated that under no circumstances will Government allow India's Internal reserve to fall below 130 million lbs., which is about 33 per cent in excess of last year's consumption

Under the block purchase scheme, India will not export duri 1942-43 to the full extent of her available tea export quota which is about 480 million lbs. (including the carry-over of allotment from 1941-42) but only her exportable surplus after maintaining an adequate reserve for internal consumption.

The estimated production for the current year is about 5/ million lbs., of which only 421½ million lbs. will be allo/ be exported under the new scheme - both for the United Kig out-markets. The crop which will remain for the current / internal consumption will be about 134 million lbs.

It may be added that the progress of the all-India

crop during 1942-43 is so far appreciably higher than the corresponding production of last year.

MEMO NO.

GENERAL AND REVENUE SECRETARIAT,
BANGALORE, DATED: DECEMBER 194

Copies of the above are forwarded, with compliments, to

for information and remarks.

By Order,

Secretary to Government,
General Department.

[To be introduced in the Legislative Assembly.]

A

BILL

TO

Provide for the control of the export of tea from, and for the control of the extension of the cultivation of tea in, British India.

WHEREAS it is expedient, for the purpose of implementing the agreement which the Central Government has entered into with the Governments of Ceylon and the Netherlands Indies to give effect to the provisions of the International Agreement made between associations representing the tea growers of India, Ceylon and the Netherlands Indies, to provide for the control of the export of tea from, and for the control of the extension of the cultivation of tea in, British India; It is hereby enacted as follows:—

Short title, extent, commencement and duration.

1. (*1*) This Act may be called the Indian Tea Control Act, 1938.

(*2*) It extends to the whole of British India.

(*3*) It shall come into force on the 1st day of April, 1938.

(*4*) It shall remain in force only up to the 31st day of March, 1943.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "Committee" means the Indian Tea Licensing Committee constituted under this Act;

(*b*) "Customs-collector" means a Customs-collector as defined in clause (*c*) of section 3 of the Sea Customs Act, 1878, for the purposes of that Act, or of that Act as applied to the import and export of goods by air, or a Collector of Land Customs as defined in clause (*c*) of section 2 of the Land Customs Act, 1924, as the case may be;

VIII of 1878.

XIX of 1924.

(*c*) "export" means to take out of British India by land, sea or air to any place outside India other than the French and Portuguese Settlements bounded by India or a country notified in this behalf by the Central Government by notification in the official Gazette;

(*d*) "Indian export allotment" means the total quantity of tea which may be exported during any one financial year;

(*e*) "owner" includes any agent of an owner;

(*f*) "prescribed" means prescribed by rules made under this Act;

(*g*) "standard export figure" means a quantity of 383,242,916 pounds *avoirdupois* of tea, representing the maximum annual export of tea from British India during the financial years ending on the 31st day of March, 1930, 1931 and 1932;

(*h*) "tea" means—

(i) in Chapter III and Chapter IV, the plant *Camellia Thea* (Linn.), and

(ii) elsewhere, the commodity known as tea made from the leaves of the plant *Camellia Thea* (Linn.), including green tea but excluding tea waste ; and

"tea seed" includes seeds, roots, stumps, cuttings, buds, and any living portion of the plant *Camellia Thea* (Linn.), which may be used to propagate that plant.

CHAPTER II.

THE INDIAN TEA LICENSING COMMITTEE.

Constitution of the Indian Tea Licensing Committee.

3. (*1*) The Central Government shall constitute a Committee, to be called the Indian Tea Licensing Committee, consisting of the following members :—

(*a*) one member to be nominated by each of the following bodies, namely :—

(*i*) the Indian Tea Association, Calcutta,

(*ii*) the Assam Branch of that Association,

(*iii*) the Surma Valley Branch of that Association,

(*iv*) the Dooars Planters Association,

(*v*) the Indian Tea Planters Association, Jalpaiguri, and the Terai Indian Planters Association, Terai, acting together, and

(*vi*) the Darjeeling Planters Association and the Terai Planters Association, acting together ;

(*b*) two members to be nominated by the Central Government, one to represent the Indian Tea Planters of the Assam Valley and one to represent the Indian Tea Planters of the Surma Valley ;

(*c*) two members to be nominated by the United Planters' Association of Southern India, one to represent tea estates in British India, and one to represent tea estates in Indian States ;

(*d*) one member to be nominated by the Government of the Indian State of Travancore to represent the tea estates in that State ; and

(*e*) one member to be nominated by the Central Government to represent tea estates in Southern India owned by Indians.

(*2*) As soon as may be after the commencement of this Act, the Central Government shall publish in the official Gazette the names of all members of the Committee, and thereupon the Committee shall be deemed to be constituted.

(*3*) Until the Committee is constituted as provided in sub-section (*2*) the Indian Tea Licensing Committee constituted under the Indian Tea Control Act, 1933, shall be deemed to be the Committee constituted under this section. XXIV of 1933.

4. (*1*) If any authority or body fails to make within a reasonable time any nomination which it is entitled to make under section 3, the Central Government may itself nominate a member to fill the vacancy.

(*2*) Where a member of the Committee dies, resigns ceases to reside in India or becomes incapable of acting, the Central Government may, on the recommendation of the authority or body which is entitled to make the

first nomination under section 3, or where such recommendation is not made within a reasonable time, then on its own initiative, nominate a person to fill the vacancy.

(3) No act done by the Committee shall be questioned on the ground merely of the existence of any vacancy in or any defect in the constitution of the Committee.

Chairman, sub-committees and executive officers.

5. The Committee shall elect a Chairman from among its members, and may appoint such sub-committees and executive officers as may be necessary for the efficient performance of the duties imposed upon it by this Act.

Power to make by-laws.

6. (1) The Committee may make by-laws consistent with this Act and with the rules made thereunder for all or any of the following matters, namely:—

(a) the regulation of the procedure to be followed at meetings of the Committee;

(b) the appointment of sub-committees;

(c) the delegation to sub-committees, members or officers of the Committee of any of the powers of the Committee under this Act;

(d) the determination of the travelling allowances of the members or officers of the Committee or of the members of a sub-committee;

(e) the appointment, promotion and dismissal of officers, assessors and servants of the Committee, and the creation and abolition of appointments of such officers, assessors and servants;

(f) the regulation of the grant of pay and leave to such officers, assessors and servants; and

(g) any other matter in respect of which by-laws may be made under this Act or the rules made thereunder.

(2) All by-laws made under this section shall be subject to the previous sanction of the Central Government.

Central Government's power of control.

7. (1) Save in respect of proceedings and orders under sections 28, 29 and 30, all acts of the Committee shall be subject to the control of the Central Government which may cancel, suspend or modify as it thinks fit any such act.

(2) Without prejudice to the generality of the foregoing provision, any person aggrieved by any order of the Committee under section 14 may appeal to the Central Government within sixty days from the date of such order.

(3) The records of the Committee shall be open to inspection at all reasonable times by any officer authorised in this behalf by the Central Government.

Keeping and auditing of accounts.

8. (1) The Committee shall keep accounts of all fees received by it under this Act and of the manner in which they are expended.

(2) Such accounts shall be examined and audited annually by auditors appointed in this behalf on the recommendation of the Committee by the Central Government, and such auditors shall have power to disallow any item which has been, in their opinion, expended otherwise than in pursuance of the purposes of this Act.

(3) If any item is disallowed under sub-section (2), an appeal shall lie to the Central Government whose decision shall be final.

Dissolution of the Committee.

9. (1) The Central Government may, by notification in the official Gazette, declare the Committee to be dissolved and on the date of the publication of any such notification the Committee shall stand dissolved and this Act shall be deemed to be repealed.

(2) When the Committee is dissolved either under this section or by the expiry of this Act, the unexpended balance of fees received by the Committee under this Act shall lapse to the Central Government.

Power to make rules.

10. The Central Government may, by notification in the official Gazette, make rules—

(a) providing for the establishment and maintenance of offices by the Committee;

(b) providing for the conduct of business by the Committee and determining the number of members which shall form a quorum at meetings;

(c) providing for the maintenance by the Committee of a record of all business transacted and for submission of copies thereof to the Central Government;

(d) regulating the preparation of annual estimates of receipts and expenditure;

(e) regulating the keeping of accounts of receipts and expenditure;

(f) determining the custody in which the current account of the Committee shall be kept, and the bank or banks at which surplus money at the credit of the Committee may be deposited at interest;

(g) regulating the term of office of members of the Committee and the circumstances in which and the authority by which members may be removed; and

(h) generally, to carry out the provisions of this Chapter.

CHAPTER II.

Control over the Export of Tea.

Limitation of application of Chapter.

11. Nothing in this Chapter shall apply to tea—

(a) proved to the satisfaction of the Customs-collector to have been imported into British India from any port outside India, or

(b) shipped as stores on board any vessel, in such quantity as the Customs-collector considers reasonable having regard to the number of the crew and passengers and the length of the voyage on which the vessel is about to depart, or

(c) exported by post in packages not exceeding one pound *avoirdupois* in weight.

Control of export of tea and tea seed.

12. (1) No tea shall be exported unless covered by a licence issued by or on behalf of the Committee.

(2) No tea shall be taken by land, sea or air out of British India to any of the French or Portuguese Settlements bounded by India unless covered by a permit issued by or on behalf of the Committee.

(*3*) No tea seed shall be exported unless covered by a permit issued by or on behalf of the Central Government.

Indian export allotment.

13. The Indian export allotment for each financial year during the operation of this Act shall be declared by the Central Government by notification in the official Gazette after consulting the Committee and paying due regard to all interests concerned and shall be expressed as a number of pounds *avoirdupois* equivalent to a stated percentage of the standard export figure.

Export quotas.

14. (*1*) Any tea estate to which an export quota was allotted under the Indian Tea Control Act, 1933, and any tea estate which the Central Government may within one year from the commencement of this Act authorise to apply for the allotment of an export quota under this Act, may apply to the Committee for the allotment to the estate of an export quota.

XXIV of 1933.

(*2*) The export quota of a tea estate, that is, the total quantity of tea which may be exported by the owner of the tea estate during the financial year, shall be an amount bearing to the crop basis of the estate as determined in the prescribed manner by the Committee the same proportion as the Indian export allotment for the financial year in question bears to the total of the crop basis of all tea estates in India for that year.

(*3*) The total of all export quotas allotted to tea estates for any financial year shall not exceed the Indian export allotment for that year.

Right to export licences.

15. (*1*) The owner of a tea estate to which an export quota has been allotted for any financial year shall have a right to obtain at any time during that year export licences to cover the export of tea up to the amount of the unexhausted balance of the quota, that is, up to the amount of the quota less the amount for which export licences have already been issued against it.

(*2*) The right of the owner of a tea estate under this section may be transferred in whole or in part, and, subject to proof of the transfer to the satisfaction of the Committee and to the completion of the prescribed documents to enable the Committee to give effect to the transfer, the transferee shall have a right to obtain export licences up to the amount covered by the transfer or up to the amount of the unexhausted balance of the quota, whichever may be less.

(*3*) Subject to the conditions specified in sub-section (*2*), any transferee referred to in that sub-section may again transfer the whole or any part of his rights.

(*4*) Nothing in sub-section (*3*) shall operate to restrict the issue of licences for the export of tea expressed to be sold with export rights.

Grant of export licences.

16. (*1*) The owner of any tea estate to which an export quota has been allotted or any person to whom he has transferred his rights may at any time before the 21st day of March of the financial year to which the quota relates apply in writing to the Committee for an export licence covering a stated quantity of tea.

(*2*) If the unexhausted balance of the quota is sufficient to cover the stated quantity, the Committee shall on receipt of the requisite fee issue an export licence covering the stated quantity.

(*3*) Every licence shall be in duplicate in the prescribed form, shall bear the date of its issue and shall be valid up to the end of the financial year in which it is issued:

Provided that save as provided in section 17 the Committee shall not date or issue any export licence after the end of the financial year in which the application for it was made.

Special export licences.

17. (*1*) Where the tea covered by an export licence issued under the Indian Tea Control Act, 1933, has not been exported before the 31st day of March, 1938, the person to whom the licence was granted may, before the 14th day of April, 1938, forward the licence to the Committee, and submit therewith an application for a special export licence covering the same quantity of tea and the Committee shall, on receipt of the requisite fee, if any, issue a special export licence accordingly. XXIV of 1933.

(*2*) Where tea, in respect of which an export licence has been or could have been granted under this Act, has not been exported before the end of the financial year in which the licence was or could have been issued, the person to whom the licence was or could have been granted may, before the 14th day of April of the following financial year, forward an application to the Committee for a special export licence covering the same quantity of tea, and the Committee shall, on receipt of the requisite fee, if any, issue a special export licence accordingly.

(*3*) A special export licence shall be in duplicate in the prescribed form, shall bear the date of its issue, and shall be valid in the case of a special export licence issued in the year 1938 up to the 30th day of June of that year and in the case of a special export licence issued in any subsequent year up to the 31st day of May of the year in which it was issued.

(*4*) The quantity of tea covered by a special export licence shall be accounted for against the export quota of the year in which the original licence was or could have been issued under this Act or under the Indian Tea Control Act, 1933, as the case may be. XXV of 1933.

Committee to maintain accounts of quotas.

18. (*1*) The Committee shall maintain an account of every export quota showing, in addition to such other particulars as the Committee may think fit, the licences issued against it and the unexhausted balance.

(*2*) Any owner of a tea estate shall be entitled, on payment of the requisite fee, to a copy of the account relating to his quota, certified in the manner laid down in the by-laws.

Tea for export to be covered by licence or permit.

19. (*1*) No consignment of tea or tea seed shall be shipped or waterborne to be shipped for export or shall be exported until the owner has delivered to the Customs-collector a valid export licence or special export licence in duplicate or a permit issued by or on behalf of the Central Government covering the quantity to be shipped.

(*2*) No consignment of tea or tea seed shall be shipped or waterborne to be shipped for carriage to any of the French or Portuguese Settlements bounded by India until the owner has delivered to the Customs-collector a permit issued by or on behalf of the Committee or issued by or on behalf of the Central Government, as the case may be, covering the quantity to be shipped.

(*3*) No permit for the passage of any tea by land into any of the French or Portuguese Settlements bounded by India shall be granted under sub-section (*1*) of section 5 of the Land Customs Act, 1924, unless the application for such permit is accompanied by a permit granted in this behalf by the Committee covering the quantity to be passed. XIX of 1924.

Power of Committee to call for returns.

20. (*1*) The Committee may serve by post a notice upon the owner of any tea estate or upon his manager, requiring him to furnish, within such period not being less than thirty days as it may specify in the notice, such returns relating to the production, sale and export of tea produced on the estate, or to any other matter as it may deem necessary to enable it to discharge its duties under this Chapter.

(*2*) Where any return required under sub-section (*1*) in respect of any tea estate is not furnished within the period specified in the notice, the Committee may refuse to allot a quota to that estate under section 14, or, where a quota has already been allotted, may cancel the unexhausted balance of that quota and refuse to issue any further export licences under section 16 against that quota or to recognise or give effect to any transfer under section 15.

Power of Committee to require evidence of ownership.

21. (*1*) The Committee may serve by post a notice upon any person claiming to be the owner of any tea estate or upon his agent or manager or upon any person claiming to be the agent or the manager of the owner of any tea estate requiring him to furnish, within such period as may be specified in the notice or within such extended period as the Committee may allow, such documentary or other evidence as may be required to prove to the satisfaction of the Committee that such person is the owner of such tea estate or is the agent or manager of the owner of a tea estate, as the case may be.

(*2*) Where any person fails to comply with the requirements of a notice served on him under sub-section (*1*) or where the evidence furnished by such person is insufficient to prove to the satisfaction of the Committee that such person is the owner of the tea estate of which he claims to be the owner or is the agent or manager of the owner of a tea estate, as the case may be, the Committee may refuse to issue to such person or to his agent or manager any export licences against the quota allotted to such tea estate.

22. (*1*) The Committee may charge and collect the following fees, namely:—

(*a*) a licence fee for every export licence or special export licence or permit issued by it, at such rates, not exceeding two rupees per thousand pounds of tea or part thereof covered by the licence or permit, as the Central Government may, on the recommendation of the Committee by notification in the official Gazette, fix in this behalf; and

(*b*) copying fees for certified copies of accounts of quotas, at the rate of one rupee per copy:

Provided that the owner of any tea estate to which a quota has been allotted under section 14 may make, or the Committee may require him to make, a consolidated payment of export licence fees at the rate fixed under clause (*a*) to cover the whole of the quota.

(*2*) The Committee shall apply the fees collected by it under this section to the meeting of expenses incurred by it in pursuance of the purposes of this Act and, with the previous sanction of the Central Government, to the payment of a contribution towards the maintenance of any international committee established in furtherance of the said purposes in or by tea producing countries generally.

Power to make rules.

23. The Central Government may, by notification in the official Gazette, make rules—

(*a*) prescribing the manner in which the crop basis of a tea estate shall be determined;

(*b*) regulating the grant of permits for the carriage of tea to the French and Portuguese Settlements;

(*c*) prescribing the documents referred to in sub-section (*2*) of section 15;

(*d*) prescribing the form of export licences and special export licences and permits; and

(*e*) generally to carry out the purposes of this Chapter.

Bar of jurisdiction.

24. No quota fixed, no order granting or refusing to grant any licence or permit, and no other act done by the Committee under this Chapter shall be called in question in any Court.

Export of tea produced in Indian States.

25. Where legislation enacted in any Indian State has made provision in pursuance of the agreement implemented by and in consonance with the provisions contained in this Act for the control of the export of tea from and for the control of the extension of the cultivation of tea in the State, the Committee shall issue export licences, special export licences and permits for the export or carriage out of British India of tea produced in any such State in the same manner and subject to the same incidents as such licences or permits are issued in respect of tea produced in British India.

CHAPTER III.

CONTROL OVER THE EXTENSION OF TEA CULTIVATION.

Method of control of extension of tea cultivation.

26. So long as this Act remains in force, no person shall, save in pursuance of a written permission granted by or on behalf of the Committee, plant tea on any land whether included in the area of a tea estate or not, except land which was on the 31st day of March, 1938, and had on that date been continuously for the two years immediately preceding, planted with tea; and no person shall without such permission extend the area planted with tea in any tea estate, or replace any area planted with tea by a new area so planted:

Provided that nothing contained in this section shall prohibit the in-filling or supplying of vacancies by the owner of a tea estate within the area of the estate on land which was planted with tea on the 31st day of March, 1938, or the replanting of tea upon land planted with tea on the 31st day of March, 1938, from which the original bushes have been uprooted, or upon land planted with tea on the 31st day of March, 1936, from which the original bushes have been subsequently up-rooted and which is on the 31st day of March 1938, lying fallow in accordance with normal planting practice.

Limitations to the extension of tea cultivation.

27. (*1*) Subject to the provisions of section 29 and section 30, the total area of land in British India, in respect of which the permissions referred to in section 26 may be granted, shall not exceed one-half of one per cent. of the total area of the land planted with tea in British India on the 31st day of March, 1938.

(*2*) Subject to the provisions of section 29 and section 30, the total area of land in any Province, in respec-

of which such permissions may be granted, shall be determined by the Committee and shall be as near as may be one-half of one per cent. of the total area in the Province which was planted with tea on the 31st day of March, 1938.

(*3*) The Committee shall publish the total areas so determined for the various Provinces by notification in the official Gazette of the Central Government as soon as may be after the commencement of this Act.

Grant of permission to plant tea.

28. (*1*) Applications for permission to plant tea on any land not planted with tea on the 31st day of March, 1938, shall be made to the Committee not later than six months from the commencement of this Act and shall contain a clear statement of all special circumstances justifying the application.

(*2*) Subject to the limits laid down in section 27, the Committee may grant or refuse the permission applied for or may grant it in part only, or may call for further information from the applicant.

(*3*) No order by the Committee under sub-section (*2*) shall be called in question by any Court.

Grant of permission to plant tea in special circumstances.

29. (*1*) Where any land which was on the 31st day of March, 1933, planted with tea—

(*a*) has since become wholly incapable of carrying tea through subsidence, flood, erosion, earthquake or other irresistible superhuman cause, or

(*b*) has since been compulsorily acquired under the provisions of the Land Acquisition Act, 1894, or of any other law for the time being in force and no longer carries tea,

I of 1894.

the owner of the tea estate in which such land was situated may apply to the Committee for permission to plant tea on land not planted with tea.

(*2*) Upon such application being made and upon proof to the satisfaction of the Committee that the applicant is entitled to the benefit of sub-section (*1*), the Committee may grant permission to plant tea on land not planted with tea:

Provided that the area of land, in respect of which such permission is granted, shall be within the area of the same tea estate and shall not exceed in extent the area of the land incapable of carrying tea or compulsorily acquired, as the case may be.

(*3*) All areas of land in respect of which permission to plant tea is granted under this section shall be excluded when computing for the purposes of section 27 the total area of land in respect of which the permissions referred to in section 26 may be granted.

Tea nurseries.

30. (*1*) Subject to the provisions of sub-section (*4*), the owner of a tea estate may, with the previous permission of the Committee, establish nurseries on land not previously planted with tea for the growing of plants intended for in-filling or supplying vacancies or for replanting land planted with tea within the area of the estate or for any other purpose approved by the Committee:

Provided that the total area utilised for nurseries in British India shall not upon the 31st day of March, 1943, exceed tea area so utilised in British India on the 31st day of March, 1933.

(*2*) All areas of land utilised for nurseries in accordance with this section shall be excluded when computing

for the purposes of section 27 the total area of land in respect of which the permissions referred to in section 26 may be granted.

(3) The Committee may at any time serve by post a notice upon the owner of any tea estate or upon his manager requiring him to furnish within such period not being less than thirty days as may be specified in the notice such returns relating to the area of the land utilised for nurseries as it may deem necessary.

(4) If any return required under sub-section (2) is not furnished to the Committee within the period specified in the notice or if in the opinion of the Committee the total area of the land utilised for nurseries is excessive, the Committee may make such restrictive or other order as it deems necessary and in particular may order the uprooting of any bushes planted on any such land.

Appeal to Provincial Government.

31. (1) Any applicant aggrieved by an order of the Committee under section 28, section 29 or section 30 may appeal to the Provincial Government within sixty days from the date thereof and the Provincial Government may cancel, modify or suspend any such order.

(2) The records of the Committee relating to proceedings under this Chapter shall be open to inspection at all reasonable times by any officer authorised in this behalf by the Provincial Government.

Power of the Committee to call for returns and to inspect.

32. (1) The Committee may at any time serve by post a notice upon the owner of any tea estate or upon his manager requiring him to furnish within such period not being less than thirty days as may be specified in the notice such returns relating to the cultivation of tea on the estate as it may deem necessary.

(2) Any member of the Committee and any officer of the Committee or person authorised by it in this behalf may at any reasonable time enter upon and inspect the lands of any tea estate and may require the owner of the estate to produce for inspection any records of the estate in his control or custody relating to the cultivation of tea on the estate.

(3) Where any return required under sub-section (1) in respect of any tea estate is not furnished to the Committee within the period specified in the notice, the Committee may refuse to grant any permission under section 28 to plant tea on that estate.

CHAPTER IV.

PENALTIES AND PROCEDURE.

Penalty for illicit export.

33. A breach of the provisions of sub-section (1) or sub-section (2) of section 19 shall be punishable as if it were an offence under Item No. 8 of section 167 of the Sea Customs Act, 1878, and the provisions of section 168 and of Chapter XVII of that Act shall apply accordingly. VIII of 1878.

Penalty for making false return.

34. Any owner of a tea estate, or his agent or manager, who has furnished any return under sub-section (1) of section 20, or under sub-section (3) of section 30, or under sub-section (1) of section 32, containing any particular which is false and which he knew to be false or did not believe to be true, shall be punishable with fine which may extend to one thousand rupees.

Penalty for obstructing inspection of tea estate.

35. Whoever obstructs any member or officer of the Committee or any person authorised by the Committee, while such member, officer or person is entering upon or inspecting the lands of any tea estate under sub-section (2) of section 32, and whoever, having control over or

custody of any records of a tea estate relating to the cultivation of tea on that estate, refuses or fails to produce such records when required by a member or officer of the Committee or by a person authorised by the Committee under that sub-section, shall be punishable with fine which may extend to one thousand rupees.

Penalty for illicit cultivation.

36. (*1*) Whoever plants tea or causes tea to be planted in any land in contravention of section 26 shall be punishable with fine which may extend to one thousand rupees for the first offence, and with fine which may extend to five thousand rupees for any subsequent offence.

(*2*) Whoever uses any land for nurseries or causes any land to be so used, without the previous permission of the Committee or in contravention of any order made by the Committee under section 30, or fails to comply with any order made by the Committee under sub-section (*4*) of section 30, shall be punishable with fine which may extend to one thousand rupees.

Removal of tea planted without permission.

37. Where any person has been convicted of any offence under section 36, the convicting Court may direct that the tea in respect of which the offence was committed shall be removed from the land within a specified time, and, in the event of the order not being duly complied with, may cause the tea to be removed and may recover the cost from the person convicted as if it were arrears of land revenue due on the tea estate on which the offence was committed.

Trial of offences under sections 34, 35 and 36.

38. (*1*) No Magistrate other than a Magistrate of the first class shall take cognisance of an offence under section 34, section 35 or section 36, and such Magistrate may take cognisance of an offence only upon complaint made by a person authorised by the Committee and with the previous sanction of the Central Government, where the offence is that of furnishing a false return under sub-section (*1*) of section 20, and of the Provincial Government in any other case.

(*2*) The Committee shall be responsible for the conduct of all prosecutions of offences under section 34, section 35 and section 36.

CHAPTER V.

SAVINGS.

Savings.

39. Notwithstanding the expiry of the Indian Tea Control Act, 1933, and notwithstanding the provisions of sub-section (*2*) of section 9 of that Act,—

XXIV of 1933.

(*a*) the unexpended balance of fees received by the Indian Tea Licensing Committee constituted under that Act shall not lapse to Government but shall be transferred to the Indian Tea Licensing Committee as constituted under section 3 of this Act;

(*b*) until provision is otherwise made under the corresponding provisions of this Act, all fees fixed, all licences and permits issued and all quotas allotted under the Indian Tea Control Act, 1933, shall, unless inconsistent with the provisions of this Act, be deemed to have been fixed, issued or allotted under this Act; and

XXIV of 1933.

(*c*) any offence punishable under the Indian Tea Control Act, 1933, shall be punishable and may be dealt with as if it were an offence punishable under the corresponding provision of this Act.

XXIV of 1933.

STATEMENT OF OBJECTS AND REASONS.

The existing International Scheme for regulation of the export of tea and for the control of extension of tea cultivation expires on the 31st March, 1938. The Indian Tea Control Act, 1933, which was passed to give effect to the scheme in British India, will also expire on the same date.

2. Representatives of the tea industry in India, Ceylon and the Netherlands Indies have executed an agreement providing for the renewal of the scheme for a further period of five years from the 1st April, 1938. After careful consultation with the various interests affected and the Provincial Governments as well as the Indian States concerned the Central Government have decided to give official recognition to the renewed tea control scheme. The specific consent of the Provincial Governors has also been obtained to legislation being undertaken in the Central Legislature regarding the control of extension of tea cultivation which subject falls within the Provincial Legislative List under the new constitution.

3. There has been unanimity of opinion that the control scheme has been beneficial to the tea industry in India and the proposals for legislation have the support of 99 per cent. of the industry. The draft Bill is designed to give legislative sanction to the operation of the renewed scheme for a period of five years from the 1st April, 1938. It may be mentioned that the other parties concerned, namely, the Governments of Ceylon and the Netherlands Indies, have already agreed to adhere to the renewed scheme.

S. SULTAN AHMED.

SIMLA ;

Dated the 2nd October, 1937.

14

GOVERNMENT OF INDIA.

LEGISLATIVE ASSEMBLY DEPARTMENT.

A

BILL

TO

Provide for the control of the export of tea from, and for the control of the extension of the cultivation of tea in, British India; and Annexure.

The previous consent necessary under sub-section (1) of section 106 of the Government of India Act, 1935, for the enactment of the provisions of Chapter III of this Bill has been given by the Governors of the Provinces concerned.

MD. RAFI,
Secretary of the Legislative Assembly.

(*The Honourable Sir Saiyid Sultan Ahmed.*)

M11LD—850—5-10-34—GIPS

Appendix F G—1]

SUBJECT.....

.....

.....

Section A&E

File No. 157-37

Serial No. 2

Diary No. of letter replied to .....

No. Pol. 1311 E/one

To The Secy to the Hon'ble the Resident in Mysore

Sir,

Renewal of the Tea Restriction Scheme

General and Revenue Secretariat

( )

the *193*

Date of issue 27/5/38

Signed by Jun M.V

Sir, with refce to your letter no. 7-301-37/R.O. II dt 8/1/38 & in continuation of this office letter no. Pol 1233/A&E 80-37-6 dt 7/5/38 on the above subject, I am directed to forward herewith copy of a Bill to provide for the control of export of tea from & the extension of the cultivation

List of enclosures.....

Copied by.....

Examined by.....

WD 0278—GPB—30,000—4-3-38

18

A tea in Mysore for information & suggestions if any.

I have etc

D-L-V-S-L-C

IG/25/5 25/5/38.

2 It is proposed to recognise the Indian Tea Licensing Committee constituted under the Govt. of India Act of 1938 (Regn. No. of 1938) as the authority to exercise powers of Reporting granting, issuing licences for Export etc. As the State is a Non-Maritime Country, no provision are made in this bill regarding Export & Conditions governing the same.

IG

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

17

Dated, Bangalore, 27th May 1938.

No. Pol. 1311 E/38

From M. Venkatanaranappa, Esq., B.A.,

Secretary to the Government of His Highness the Maharaja of Mysore
Development Department.

To

The Secretary to the Hon'ble the Resident in Mysore,
Bangalore.

Sir,

Subject:- Renewal of the Tea Restriction Scheme.

...

With reference to your letter No.F.301-37/R.O.II dated 8th January 1938 and in continuation of this office letter No.Pol. 1233/A.&.E. 80-37-6 dated 7th May 1938 on the above subject, I am directed to forward herewith copy of a Bill to provide for the control of export of tea from and the extension of the cultivation of tea in Mysore for information and suggestions, if any.

I have the honour to be,
Sir,
Your most obedient servant,

Secretary to Government,
Development Department.

jgn/2.

To

The Secretary to the Hon'ble the
Resident in Mysore.

Subject:-

Renewal of the Tea Restriction Scheme.

Sir,

With reference to your letter No. F. 301-37/R.O.II dated 8th January 1938 and in continuation of this office letter No. Pol. 1233/A & E. 80-37-6 dated 7th May 1938 on the above subject, I am directed to forward herewith copy of a Bill to provid for the control of export of tea from and the extension of the cultivation of tea Mysore for information and suggestions, any.

I have etc.,

Secy. to Government,
Dev. Department.

25/5/38.

A&E 151-37-3 Pol 365

The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

R. Dis. No. F. 340-38 / R.O.-II. Pol 18

1060

FROM

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
Development Department.

GEN. & REVENUE SECRETARIAT, 25 AUG 1938, DEVELOPMENT BRANCH.

Dated Bangalore, the 23rd August *1938*

RENEWAL OF THE TEA RESTRICTION SCHEME.

SIR,

3630/D

I am directed to refer to your letter No.Pol.1311/A & E.151-37, dated the 27th May 1938.

2. His Excellency the Crown Representative considers that the draft bill prepared by the Government of Mysore is suitable except that in Chapter II of the bill they have retained all the administrative functions relating to control on extension of tea cultivation. Under the Indian Tea Control Act, 1938, such functions have been delegated to the Licensing Committee. I am therefore to request that, if there is no objection, the draft bill may kindly be modified in this respect. On the analogy of the Indian Act, appeals against the decisions of the Committee would lie with the Government of Mysore.

3. I am to enclose for the information of the Government of Mysore a copy of the Government of India, Department of Commerce Notification No.201 (3)-Tr.(I.E.R.)/38, dated the 16th July 1938, publishing the Indian Tea Control Rules, 1938.

I have the honour to be,
Sir,
Your most obedient servant,

SECRETARY TO THE RESIDENT.

KK

DEPARTMENT OF COMMERCE.

NOTIFICATION.

IMPORT AND EXPORT REGULATIONS.

Simla, the 16th July 1938.

No. 201 (3) Tr. (I. E. R.)/38.—In exercise of the powers conferred by clause (*i*) of section 10, section 23 and sub-section (*4*) of section 27 of the Indian Tea Control Act, 1938 (VIII of 1938), the Central Government is pleased to make the following rules, namely :—

1. These rules may be called *the Indian Tea Control Rules, 1938.*

2. In these rules :—

(1) " Act " means the Indian Tea Control Act, 1938.

(2) " Replanted areas " means :—

(*a*) areas replanted after the 1st January 1926 but not after the 31st March 1933 in replacement of old tea uprooted ;

(*b*) areas replanted after the 31st March 1933 in replacement of tea which was uprooted between 31st March 1931 and 31st March 1933 provided such uprooting was in or before the year selected for crop basis.

(3) " Low producing area " means the whole area planted with tea in a tea estate whose crop basis in the year 1938-39 with reference to the area planted with tea in that estate on the 31st March 1933 amounts to less than 456 pounds per acre.

3. Any owner of a tea estate wishing to apply for the re-determination of the crop basis under sub-section (3) of section 14 of the Act, shall send to the Committee a fee at the rate of annas eight per acre of existing tea under cultivation planted on the estate on or before the 31st December 1925 and shall furnish thereafter such particulars as may at any time be required by the Committee. Each application shall have reference to one estate only.

4. (*a*) The owner of a tea estate which contains young areas or replanted areas may apply to the Committee on or before 30th September 1938, for an addition to the crop basis of the tea estate in respect of the young areas and replanted areas concerned. Where such young areas consist of tea planted on virgin soil, after the 1st April 1938, in accordance with the provisions of the Act, such application may be filed at any time.

(*b*) On receipt of an application under sub-rule (*a*) the Committee may grant an addition to crop basis on the scale prescribed in the attached Schedule I (Allowances for young areas) for the locality concerned after making the deductions specified below :—

(1) any special hardship or " young clearings " allowance included in the crop basis for the year 1937-38, in accordance with the Rules under the Indian Tea Control Act, 1933, in respect of the young clearings concerned ;

(2) any yield which the young areas concerned contributed to the production of the estate in that one of the years 1929 to 1932 taken by the estate for the purposes of its crop basis. If satisfactory evidence of such contribution is not forthcoming, the Committee shall make a deduction not greater than that shown in Schedule II (Contributions by young areas) ; and,

(3) any yield which replanted areas contributed, before their replanting, to the production of the estate in that one of the years 1929 to 1932 taken by the estate for the purposes of its crop basis. If satisfactory evidence of such contribution is not forthcoming, the Committee shall make a deduction not greater than that shown in Schedule I (Allowances for young areas) :

Provided that the addition to crop basis on account of the existence of a young area planted after the 1st April 1938, shall, during each of the first seven years of its planting, be deemed to be the amount set out in Schedule II (Contributions by young areas) as the contribution, during the corresponding year of the first seven years of their planting, by young areas in the same locality.

(*c*) Where permission to plant tea on land not previously planted with tea is granted under section 29 of the Act, no addition to crop basis under this rule shall be made in respect of the area concerned.

5. The owner of an estate in a low producing area may, at the time of submitting his application for export quota, apply for an addition to crop basis for the particular financial year concerned. Such addition if granted, shall in the case of Darjeeling Hill gardens (specified in Schedule III) be as specified in Schedule IV, and in the case of other gardens be as specified in Schedule V, and shall be such amount per acre, on the land planted with tea on the estate on the 31st March in the financial year previous to that to which the application relates, as is specified in Column II of the Schedule in question :

Provided that no such addition shall be made unless it can be proved to the satisfaction of the Committee that, had such addition been given in the year previous to that to which the application relates, the estate would still have been able to produce an amount of manufactured tea equal to, or in excess of, the total amount of tea in respect of which licenses could have been issued under the enhanced export quota. Where the principle laid down in the foregoing proviso so necessitates, the Committee may grant additions less than those specified in the Schedules.

6. References in these rules to the yield per acre or the production of tea, shall be construed as meaning the yield or production of manufactured tea, *i.e.*, tea either black or green produced in the usual manner for sale in the markets. Where tea is not manufactured by the estate concerned, or where evidence of the amount manufactured is not available, the production shall be assumd to be by weight one-fourth of the weight of green leaf produced.

7. The Committee may appoint inspectors or assessors for the purpose of assisting it in the determination or re-determination of the crop basis and in the discharge of its other duties. Such inspectors or assessors, if appointed, shall be not less than two in number and in case of a garden owned or controlled by Indians at least one of them shall be an Indian. The Committee may pay to them such fees as the Committee in meeting decide as well as actual travelling expenses.

8. Applications for export quota for the financial year commencing 1st April 1938 shall be filed with the Committee not later than the first day of August 1938. Applications for export quot in any subsequent financial year shall be filed not later than the 1st of February in the preceding financial year. Each such application shall be accompanied by a statement showing the crop basis of the estate. No quota shall be allotted unless application under this Rule is duly filed :

Provided that a tea estate which has been authorised by the Central Government under subsection (1) of section 14 of the Act to apply for the allotment of an export quota, may make its first application to the Committee within three months from the date of the orders of the Central Government ; but its subsequent applications shall be made in accordance with this rule.

9. Any estate appealing to the Central Government under section 7 of the Act shall forward such appeal in duplicate to the Secretary to the Government of India, Department of Commerce, within sixty days of the order against which the appeal is preferred and shall forward a copy of such appeal to the Secretary of the Committee, Calcutta. The orders of the Central Government, who may make such enquiries as they may deem necessary, shall be communicated direct by the Central Government to the estate concerned and a copy of such orders shall be forwarded to the Secretary of the Committee, Calcutta.

10. An estate appealing under Section 7 (2) of the Act to the High Court of the Province within which the estate is situated shall at the same time intimate to the Central Government that an appeal to the High Court has been filed.

11. (1) The owner of a tea estate desirous of planting tea—in accordance with the provisions of sections 26 and 27 of the Act—on land not planted with tea at the 31st March 1938, shall apply to the Committee on or before the 30th September 1938 and shall furnish such details as may be required by the Committee.

(2) Every application shall be accompanied by a survey map of the estate showing (*i*) the full extent of the acreage of the garden, and (*ii*) particulars of the plantings in each year on the total acreage of the estate previously planted with tea but from which the tea bushes have been uprooted, and lying fallow on the 31st March 1938. The Committee may order an inspection of the estate and of its records to satisfy themselves as to the accuracy of the map and for the purposes of their consideration of the application.

(3) No such application shall be admitted if during the period from the 1st April 1928 to 31st March 1933, no tea was planted.

(4) (*a*) Where the Committee consider that permission to plant tea under section 26 of the Act ought to be granted, they shall first ascertain the total area planted between the 1st April 1928 and the 31st March 1933 in the estate concerned ;

(*b*) as soon as may be after the 30th September 1938 the Committee shall in respect of each Province divide the area determined under section 27 (3) of the Act amongst the applicant estates in the Province in proportion to the areas ascertained under clause (*a*) :

Provided that the Committee may relax the application of this clause in the case of an estate which in the opinion of the Committee deserves special consideration on account of circumstances, outside the control of the owner or of any previous owner, affecting the development of the estate :

Provided further that, subject to the provisions of section 27(1) of the Act, the Committee may at any time grant permission to extend to the Tocklai and Nellakotta experimental stations.

12. The Forms set out in Schedule VI to these Rules shall be used for the purposes of the provisions of the Act referred to in each Form. The Committee may either generally or in any particular case require such additions as it may consider necessary to be made to any such form.

M. SLADE,

Secy. to the Govt. of India.

SCHEDULE I.

[RULE 4.]

Allowances for young areas.

District North India.	Allowance for young clearings in lb. per acre.	District South India.	Allowance for young clearings in lb. per acre.
(1) Bihar	183	(1) Anamallais	632
(2) Cachar	500	(2) Coorg	451
(3) Chittagong	302	(3) Kanan Devans	631
(4) Darjeeling	326	(4) Madura	568
(5) Darrang	633	(5) Malabar and Malabar-Wynaad ..	581
(6) Dooars	674	(6) Mundakayam	666
(7) Kamroop	393	(7) Mysore	581
(8) Kangra	230	(8) Nelliampathies	632
(9) Lakhimpur	793	(9) Nilgiris	540
(10) Nowgong	553	(10) Nigiris-Wynaad	544
(11) Sibsagar	621	(11) Travancore (Central)	568
(12) Sylhet	591	(12) Travancore (South) and Tinnevelly	450
(13) Terai	484		
(14) Tripura	327		
(15) United Provinces	266		

SCHEDULE II.

[RULE 4.]

Contributions by young areas to the yield in the years 1929—1932.

NORTH INDIA.

(1) *Bihar.*

Year of planting or replanting (1st January to 31st December).	Contribution to the yield in pounds per acre.			
	1929	1930	1931	1932
1926	94	148	241	260
1927	22	94	148	241
1928	*Nil*	22	94	148
1929	*Nil*	*Nil*	22	94
1930	*Nil*	*Nil*	*Nil*	22
1931, 1932	These young clearings did not contribute to the yield in the years 1929—32.			

(2) *Cachar.*

Year of planting or replanting (1st January to 31st December).	Contribution to the yield in pounds per acre.			
	1929	1930	1931	1932
1926	188	312	414	569
1927	16	188	312	414
1928	*Nil*	16	188	312
1929	*Nil*	*Nil*	16	188
1930	*Nil*	*Nil*	*Nil*	16
1931, 1932	These young clearings did not contribute to the yield in the years 1929—32.			

(3) *Chittagong.*

Year of planting or replanting (1st January to 31st December).	Contribution to the yield in pounds per acre.			
	1929	1930	1931	1932
1926	*Nil*	160	240	400
1927	*Nil*	*Nil*	160	240
1928	*Nil*	*Nil*	*Nil*	160
1929, 1930, 1931, 1932	These young clearings did not contribute to the yield in the year 1929—32.			

(4) *Darjeeling.*

Year of planting or replanting (1st January to 31st December).	Contribution to the yield in pounds per acre.			
	1929	1930	1931	1932
1926	*Nil*	*Nil*	120	200
1927	*Nil*	*Nil*	*Nil*	120
1928, 1929, 1930, 1931, 1932	These young clearings did not contribute to the yield in the years 1929—32.			

(5) *Darrang.*

Year of planting or replanting (1st January to 31st December).	Contribution to the yield in pounds per acre.			
	1929	1930	1931	1932
1926	193	329	505	621
1927	73	193	329	505
1928	*Nil*	73	193	329
1929	*Nil*	*Nil*	73	193
1930	*Nil*	*Nil*	*Nil*	73
1931, 1932	These young clearings did not contribute to the yield in the years 1929—32.			

(6) *Dooars.*

Year of planting or replanting (1st January to 31st December).	Contribution to the yield in pounds per acre.			
	1929	1930	1931	1932
1926	88	187	277	369
1927	*Nil*	88	187	277
1928	*Nil*	*Nil*	88	187
1929	*Nil*	*Nil*	*Nil*	88
1930, 1931, 1932	These young clearings did not contribute to the yield in the years 1929—32.			

(7) *Kamroop.*

Year of planting or replanting (1st January to 31st December).	Contribution to the yield in pounds per acre.			
	1929	1930	1931	1932
1926	104	320	400	560
1927	24	104	320	400
1928	*Nil*	24	104	320
1929	*Nil*	*Nil*	24	104
1930	*Nil*	*Nil*	*Nil*	24
1931, 1932	These young clearings did not contribute to the yield in the years 1929—32.			

(8) *Kangra.*

Year of planting or replanting (1st January to 31st December).	Contribution to the yield in pounds per acre.			
	1929	1930	1931	1932
1926	*Nil*	*Nil*	120	200
1927	*Nil*	*Nil*	*Nil*	120
1928, 1929, 1930, 1931, 1932	These young clearings did not contribute to the yield in the years 1929—32.			

(9) *Lakhimpur.*

Year of planting or replanting (1st January to 31st December).	Contribution to the yield in pounds per acre.			
	1929	1930	1931	1932
1926	254	396	556	710
1927	92	254	396	556
1928	*Nil*	92	254	396
1929	*Nil*	*Nil*	92	254
1930	*Nil*	*Nil*	*Nil*	92
1931, 1932	These young clearings did not contribute to the yield in the years 1929—32.			

(10) *Nowgong.*

Year of planting or replanting (1st January to 31st December).	Contribution to the yield in pounds per acre.			
	1929	1930	1931	1932
1926	104	320	400	560
1927	24	104	320	400
1928	*Nil*	24	104	320
1929	*Nil*	*Nil*	24	104
1930	*Nil*	*Nil*	*Nil*	24
1931, 1932	These young clearings did not contribute to the yield in the years 1929—32.			

(11) *Sibsagar.*

Year of planting or replanting (1st January to 31st December).	Contribution to the yield in pounds per acre.			
	1929	1930	1931	1932
1926	209	342	456	601
1927	54	209	342	456
1928	*Nil*	54	209	342
1929	*Nil*	*Nil*	54	209
1930	*Nil*	*Nil*	*Nil*	54
1931, 1932	These young clearings did not contribute to the yield in the years 1929—32.			

(12) *Sylhet.*

Year of planting or replanting (1st January to 31st December).	Contribution to the yield in pounds per acre.			
	1929	1930	1931	1932
1926	87	188	350	467
1927	18	87	188	350
1928	*Nil*	18	87	188
1929	*Nil*	*Nil*	18	87
1930	*Nil*	*Nil*	*Nil*	18
1931, 1932	These young clearings did not contribute to the yield in the years 1929—32.			

(13) *Terai.*

Year of planting or replanting (1st January to 31st December).	Contribution to the yield in pounds per acre.			
	1929	1930	1931	1932
1926	128	170	238	270
1927	48	244	431	507
1928	*Nil*	40	154	288
1929	*Nil*	*Nil*	*Nil*	228
1930, 1931, 1932	These young clearings did not contribute to the yield in the years 1929—32.			

(14) *Tripura.*

Year of planting or replanting (1st January to 31st December).	Contribution to the yield in pounds per acre.			
	1929	1930	1931	1932
1926	80	160	240	400
1927	*Nil*	80	160	240
1928	*Nil*	*Nil*	80	160
1929	*Nil*	*Nil*	*Nil*	80
1930, 1931, 1932	These young clearings did not contribute to the yield in the years 1929—32.			

(15) *United Provinces.*

Year of planting or replanting (1st January to 31st December).	Contribution to the yield in pounds per acre.			
	1929	1930	1931	1932
1926	*Nil*	*Nil*	120	200
1927	*Nil*	*Nil*	*Nil*	120
1928, 1929, 1930, 1931, 1932	These young clearings did not contribute to the yield in the years 1929—32.			

SOUTH INDIA.

(1) *Anamallais.*

Year of planting or replanting (1st January to 31st December).	Contribution to the yield in pounds per acre.			
	1929	1930	1931	1932
1926	3	77	340	377
1927	8	21	119	299
1928	*Nil*	4	14	140
1929	*Nil*	*Nil*	*Nil*	25
1930, 1931, 1932	These young clearings did not contribute to the yield in the years 1929—32.			

(2) *Coorg.*

This district has no tea planted after 31st December 1925.

(3) *Kanan Devans.*

Year of planting or replanting (1st January to 31st December).	Contribution to the yield in pounds per acre.			
	1929	1930	1931	1932
1926	10	39	151	272
1927	2	19	59	213
1928	*Nil*	*Nil*	32	107
1929	*Nil*	*Nil*	*Nil*	26
1930, 1931, 1932	These young clearings did not contribute to the yield in the years 1929—32.			

(4) *Madura.*

Year of planting or replanting (1st January to 31st December).	Contribution to the yield in pounds per acre.			
	1929	1930	1931	1932
1926	167	274	327	364
1927	50	191	285	355
1928	*Nil*	106	111	252
1929	*Nil*	*Nil*	25	180
1930	*Nil*	*Nil*	*Nil*	33
1931, 1932	These young clearings did not contribute to the yield in the years 1929—32			

(5) *Malabar & Malabar-Wynaad.*

Year of planting or replanting (1st January to 31st December).	Contribution to the yield in pounds per acre.			
	1929	1930	1931	1932
1926	100	200	300	400
1927	*Nil*	100	200	300
1928	*Nil*	*Nil*	100	200
1929	*Nil*	*Nil*	*Nil*	100
1930, 1931, 1932	These young clearings did not contribute to the yield in the years 1929—32.			

(6) *Mundakayam.*

Year of planting or replanting (1st January to 31st December).	Contribution to the yield in pounds per acre.			
	1929	1930	1931	1932
1926	50	250	300	400
1927	*Nil*	50	250	300
1928	*Nil*	*Nil*	50	250
1929	*Nil*	*Nil*	*Nil*	50
1930, 1931, 1932	These young clearings did not contribute to the yield in the years 1929—32.			

(7) *Mysore.*

Year of planting or replanting (1st January to 31st December).	Contribution to the yield in pounds per acre.			
	1929	1930	1931	1932
1926	*Nil*	66	84	76
1927	*Nil*	6	54	111
1928, 1929, 1930, 1931, 1932	These young clearings did not contribute to the yield in the years 1929—32.			

(8) *Nelliampathies.*

Year of planting or replanting (1st January to 31st December).	Contribution to the yield in pounds per acre.			
	1929	1930	1931	1932
1926	3	77	340	377
1927	8	21	119	299
1928	*Nil*	4	14	140
1929	*Nil*	*Nil*	*Nil*	25
1930, 1931, 1932	These young clearings did not contribute to the yield in the years 1929—32.			

(9) *Nilgiris.*

Year of planting or replanting (1st January to 31st December).	Contribution to the yield in pounds per acre.			
	1929	1930	1931	1932
1926	205	311	235	278
1927	*Nil*	203	272	278
1928	*Nil*	*Nil*	161	208
1929	*Nil*	*Nil*	*Nil*	79
1930, 1931, 1932	These young clearings did not contribute to the yield in the years 1929—32.			

(10) *Nilgiri-Wynaad.*

Year of planting or replanting (1st January to 31st December).	Contribution to the yield in pounds per acre.			
	1929	1930	1931	1932
1926	100	200	300	400
1927	*Nil*	100	200	300
1928	*Nil*	*Nil*	100	200
1929	*Nil*	*Nil*	*Nil*	100
1930, 1931, 1932	These young clearings did not contribute to the yield in the years 1929—32.			

(11) *Travancore (Central).*

Year of planting or replanting (1st January to 31st December).	Contribution to the yield in pounds per acre.			
	1929	1930	1931	1932
1926	167	274	327	364
1927	50	191	285	355
1928	*Nil*	106	111	252
1929	*Nil*	*Nil*	25	180
1930	*Nil*	*Nil*	*Nil*	33
1931, 1932	These young clearings did not contribute to the yield in the years 1929—32.			

(12) *Travancore (South) and Tinnevelly.*

Year of planting or replanting (1st January to 31st December).	Contribution to the yield in pounds per acre.			
	1929	1930	1931	1932
1926	*Nil*	150	250	300
1927	*Nil*	*Nil*	150	250
1928	*Nil*	*Nil*	*Nil*	150
1929, 1930, 1931, 1932	These young clearings did not contribute to the yield in the years 1929—32.			

SCHEDULE III.

[Rule 5.]

List of Darjeeling Hill Gardens.

Arya.
Ambootea.
Avongrove
Bloomfield.
Badamtam.
Balasun.
Barnesbeg.
Bannockburn.
Chongtong.
Chamong.
Castleton.
Ceders.
Dooteriah (Tong Song)
Dilaram.
Edenvale.
Ghyabari.
Gopaldhara.
Goomtee.
Gleenburn.
Ging.
Gyabaree.
Gielle.
Hopetown.
Happy Valley.
Jungpana.
Kalej Valley.
Lebong and Mineral Springs.
Lingia.
Liza Hill.
Lopchu.
Mahalderam.
Maharanee.
Majhuwa and Giddapahar.
Alubari.
Monteviot.
Margaret's Hope.
Dow Hill.
Murmah.
Mim.
Makaibari.
Moondakotee.
Marybong.
Mulotar.
Nagri.
Nagri Farm.
Namring (Darjeeling Tea and Cinchona Assocn.)
Nurbong.
Oaks.
Okayti.
Phoobsering.
Pashok.
Pussimbing.
Phuguri.
Poobong.
Pandam.
Rangaroon.
Rungmook.
Rungneet.
Ringtong.
Glendernel Lodge.
Risheehat.
Runglee Rungliot.
Seeyok.
Sivitar.
Soom.
Rongbong.
Tingling.
Sepoydoorah.
Singell.
Singla.
Soureni.
Steinthal.
Selimbong.
Sungma.
Singbuli.
Selim Hill.
Singtom.
Springside.
Thurbo.
Tindharia.
Tukvar (Tukvar Co. Ld.)
Tukavar (Lebong Tea Co. Ld.)
Tumsong.
Tukdah.
Turzum.
Teesta Valley.
Dumsong.

SCHEDULE IV.

[RULE 5.]

Allowances to Darjeeling Hill Gardens which qualify in accordance with Rule 5 for allowances to low producing areas.

Column I. Yield per acre in pounds avoirdupois.	Column II. Allowance per acre in pounds avoirdupois.	Column I. Yield per acre in pounds avoirdupois.	Column II. Allowance per acre in pounds avoirdupois.	Column I. Yield per acre in pounds avoirdupois.	Column II. Allowance per acre in pounds avoirdupois.
1—280	62	339	41	398	20
281	61	340	41	399	20
282	61	341	40	400	19
283	61	342	40	401	19
284	60	343	40	402	19
285	60	344	39	403	18
286	60	345	39	404	18
287	59	346	38	405	18
288	59	347	38	406	17
289	58	348	38	407	17
290	58	349	38	408	17
291	58	350	37	409	16
292	57	351	37	410	16
293	57	352	37	411	16
294	57	353	36	412	15
295	56	354	36	413	15
296	56	355	36	414	14
297	56	356	35	415	14
298	55	357	35	416	14
299	55	358	35	417	13
300	54	359	34	418	13
301	54	360	34	419	13
302	54	361	34	420	12
303	53	362	33	421	12
304	53	363	33	422	12
305	53	364	32	423	11
306	52	365	32	424	11
307	52	366	32	425	10
308	52	367	31	426	10
309	51	368	31	427	10
310	51	369	31	428	9
311	51	370	30	429	9
312	50	371	30	430	9
313	50	372	30	431	8
314	49	373	29	432	8
315	49	374	29	433	8
316	49	375	28	434	7
317	48	376	28	435	7
318	48	377	28	436	7
319	48	378	27	437	6
320	48	379	27	438	6
321	48	380	27	439	5
322	48	381	26	440	5
323	47	382	26	441	5
324	47	383	26	442	4
325	46	384	25	443	4
326	46	385	25	444	4
327	46	386	25	445	3
328	45	387	24	446	3
329	45	388	24	447	3
330	45	389	23	448	2
331	44	390	23	449	2
332	44	391	23	450	2
333	44	392	22	451	2
334	43	393	22	452	1
335	43	394	22	453	1
336	43	395	21	454	1
337	42	396	21	455	1
338	42	397	21	456	*Nil*

SCHEDULE V.

[RULE 5i]

Allowances to gardens other than Dárjeeling Hill Gardens which qualify in accordance with Rule 5 for allowances to low producing areas.

Column I. Yield per acre in pounds avoirdupois.	Column II. Allowance per acre in pounds avoirdupois.	Column I. Yield per acre in pounds avoirdupois.	Column II. Allowance per acre in pounds avoirdupois.	Column I. Yield per acre in pounds avoirdupois.	Column II. Allowance per acre in pounds avoirdupois.
1—320	48	366	32	412	15
321	48	367	31	413	15
322	48	368	31	414	14
323	47	369	31	415	14
324	47	370	30	416	14
325	46	371	30	417	13
326	46	372	30	418	13
327	46	373	29	419	13
328	45	374	29	420	12
329	45	375	28	421	12
330	45	376	28	422	12
331	44	377	28	423	11
332	44	378	27	424	11
333	44	379	27	425	10
334	43	380	27	426	10
335	43	381	26	427	10
336	43	382	26	428	9
337	42	383	26	429	9
338	42	384	25	430	9
339	41	385	25	431	8
340	41	386	25	432	8
341	40	387	24	433	8
342	40	388	24	434	7
343	40	389	23	435	7
344	39	390	23	436	7
345	39	391	23	437	6
346	38	392	22	438	6
347	38	393	22	439	5
348	38	394	22	440	5
349	38	395	21	441	5
350	37	396	21	442	4
351	37	397	21	443	4
352	37	398	20	444	4
353	36	399	20	445	3
354	36	400	19	446	3
355	36	401	19	447	3
356	35	402	19	448	2
357	35	403	18	449	2
358	35	404	18	450	2
359	34	405	18	451	2
360	34	406	17	452	1
361	34	407	17	453	1
362	33	408	17	454	1
363	33	409	16	455	1
364	32	410	16	456	*Nil*
365	32	411	16		

SCHEDULE VI—FORMS (*See* RULE 12).

FORM No. 1.

THE INDIAN TEA CONTROL ACT, 1938.

(See sections 12 and 16).

FORM No. 1.

Available only for shipment between 1st April 19 and 31st March 19 .

Copy to be retained at the Estate

No. (A) .....

Date .....

Direct Tea Shipment Export License.

Estate.....Registered No.....

Post Office.....District.....

Port of Shipment.....

Shipping Agents (B).....

(C) .....

Particulars of Teas produced by the above estate, despatched for Shipment.

Invoice No.	Chests.	Net Weight in lbs.

(A) Number should start from 1.

(B) If the Assam Bengal Railway attend to your Shipments, please indicate.

(C) If a License is required for another Port or Frontier Station this should be stated.

FORM No. 1.

THE INDIAN TEA CONTROL ACT, 1938.

(See sections 12 and 16).

FORM No. 1.

Available only for shipment between 1st April 19 and 31st March 19 .

Copy to be retained by agents.

No. .....

Date .....

Direct Tea Shipment Export License.

Estate.....Registered No.....

Post Office.....District.....

Port of Shipment.....

Shipping Agents.....

.....

Particulars of Teas produced by the above estate, despatched for Shipment.

Invoice No.	Chests.	Net Weight in lbs.

Shipped per S. S.

FORM No. 1.

THE INDIAN TEA CONTROL ACT, 1938.

(See Sections 12 and 16).

FORM No. 1.

Available only for shipment between 1st April 19 and 31st March 19 .

Repeat

Copy to be retained by The Indian Tea Licensing Committee.

No. .....

Date .....

Direct Tea Shipment Export License.

Estate .....Registered No. .....

Post Office .....District .....

Port of Shipment.....

Shipping Agents .....

.....

Particulars of Teas produced by the above estate, despatched for Shipment.

Invoice No.	Chests.	Net Weight in lbs.

Quantity in words .....

.....

.....pounds

Signed .....

Manager or Agent(s).

To be completed by The Indian Tea Licensing Committee.

Initialled that this part has been compared with the original and duplicate.

.....

Shipped per S.S. .....

FORM No. 1.

THE INDIAN TEA CONTROL ACT, 1938.

(See sections 12 and 16).

FORM No. 1.

Available only for shipment between 1st April 19 and 31st March 19 .

ORIGINAL for Customs Authorities

No. .....

Date .....

Direct Tea Shipment Export License.

Estate .....Registered No. .....

Post Office .....District .....

Port of Shipment.....

Shipping Agents .....

.....

Particulars of Teas produced by the above estate, despatched for Shipment.

Invoice No.	Chests.	Net Weight in lbs.

Quantity in words .....

.....

.....pounds

Signed .....

Manager or Agent(s).

Certified as passed for Export
For and on behalf of The Indian Tea Licensing Committee.

.....

Joint Controller.

Dated .....

Shipped per S.S.....

Customs authority's orders.....

.....

Customs Officer's Signature.....

Dated .....

FORM No. 1.

THE INDIAN TEA CONTROL ACT, 1938.

(See Sections 12 and 16).

FORM No. 1.

Available only for shipment between 1st April 19 and 31st March 19 .

DUPLICATE to be returned to the Indian Tea Licensing Committee after shipment.

No. .....

Date .....

Direct Tea Shipment Export License.

Estate .....Registered No. .....

Post Office .....District .....

Port of Shipment.....

Shipping Agents .....

.....

Particulars of Teas produced by the above estate, despatched for Shipment.

Invoice No.	Chests.	Net Weight in lbs.

Quantity in words .....

.....

.....pounds.

Signed .....

Manager or Agent(s).

To be completed by The Indian Tea Licensing Committee.

Initialled that License has been certified.....

Initialled that Shipment has been entered in Record Sheet .....

DUPLICATE.

Certified as passed for Export

For and on behalf of The Indian Tea Licensing Committee.

.....

Joint Controller.

Dated .....

Shipped per S.S.....

FORM No. 1-A.
THE INDIAN TEA CONTROL ACT, 1938.
(See section 17).

Special Export License covering Teas unshipped at 31st March 19 shipment of which may be effected up to and including 31st May 19....

FORM No. 1-A.

Copy to be retained at the Estate

No. (A) .....

Date .....

Direct Tea Shipment Export License.

Estate .....Registered No. .....

Post Office ..... District .....

Port Shipment.....

Shipping Agents (B) .....

(C) .....

Particulars of Teas produced by the above estate, despatched for Shipment.

Invoice No.	Chests.	Net Weight in lbs.

(A) Number should start from 1.

(B) If the Assam Bengal Railway attend to your Shipments, please indicate.

(C) If a License is required for another Port or Frontier Station this should be stated.

Issued subject to the conditions of the Indian Tea Control Act 1938 (VIII of 1938) and the rules and by-laws promulgated thereunder.

FORM No. 1-A.
THE INDIAN TEA CONTROL ACT, 1938.
(See section 17).

Special Export License covering Teas unshipped at 31st March 19 shipment of which may be effected up to and including 31st May 19....

FORM No. 1-A.

Copy to be retained by agents

No. .....

Date .....

Direct Tea Shipment Export License.

Estate .....Registered No. .....

Post Office .....District .....

Port of Shipment.....

Shipping Agents .....

.....

Particulars of Teas produced by the above estate, despatched for Shipment.

Invoice No.	Chests.	Net Weight in lbs.

Shipped per S.S.

Issued subject to the conditions of the Indian Tea Control Act 1938 (VIII of 1938) and the rules and by-laws promulgated thereunder.

FORM No. 1-A.
THE INDIAN TEA CONTROL ACT, 1938.
(See Section 17).

Special Export License covering Teas unshipped at 31st March 19 shipment of which may be effected up to and including 31st May 19....

FORM No. 1-A.

Copy to be retained by The Indian Tea Licensing Committee.

No. .....

Date .....

Direct Tea Shipment Export License.

Estate .....Registered No. .....

Post Office .....District .....

Port of Shipment.....

Shipping Agents.....

.....

Particulars of Teas produced by the above estate, despatched for Shipment.

Invoice No.	Chests.	Net Weight in lbs.

Quantity in words .....

.....

.....pounds

Signed .....
Manager or Agent(s).

To be completed by The Indian Tea Licensing Committee.

Initialled that this part has been compared with the original and duplicate.

.....

Shipped per S.S. .....

Issued subject to the conditions of the Indian Tea Control Act 1938 (VIII of 1938) and the rules and by-laws promulgated thereunder.

FORM No. 1-A.
THE INDIAN TEA CONTROL ACT, 1938.
(See Section 17).

Special Export License covering Teas unshipped at 31st March 19 shipment of which may be effected up to and including 31st May 19....

FORM No. 1-A.

ORIGINAL for Customs Authorities

No. .....

Date .....

Direct Tea Shipment Export License.

Estate .....Registered No. .....

Post Office .....District .....

Port of Shipment.....

Shipping Agents.....

.....

Particulars of Teas produced by the above estate, despatched for Shipment.

Invoice No.	Chests.	Net Weight in lbs.

Quantity in words.....

.....

.....pounds

Signed .....
Manager or Agent(s).

Certified as passed for Export .....
For and on behalf of The Indian Tea Licensing Committee.

.....
Joint Controller.

Dated .....

Shipped per S.S.....

Customs Authority's order.....

.....

Customs Officer's Signature.....

Dated .....

Issued subject to the conditions of the Indian Tea Control Act 1938 (VIII of 1938) and the rules and by-laws promulgated thereunder.

FORM No. 1-A.
THE INDIAN TEA CONTROL ACT, 1938.
(See section 17).

Special Export License covering Teas unshipped at 31st March 19 shipment of which may be effected up to and including 31st May 19....

FORM No. 1-A.

DUPLICATE to be returned to the Indian Tea Licensing Committee after shipment.

No. .....

Date .....

Direct Tea Shipment Export License.

Estate .....Registered No. .....

Post Office .....District .....

Port of Shipment.....

Shipping Agents .....

.....

Particulars of Teas produced by the above estate, despatched for Shipment.

Invoice No.	Chests.	Net Weight in lbs.

Quantity in words .....

.....

.....pounds

Signed .....
Manager or Agent(s).

To be completed by The Indian Tea Licensing Committee.

Initialled that License has been certified.....

Initialled that Shipment has been entered in Record Sheet .....

DUPLICATE.

Certified as passed for Export
For and on behalf of The Indian Tea Licensing Committee.

.....
Joint Controller.

Dated .....

Shipped per S.S.....

Issued subject to the conditions of the Indian Tea Control Act 1938 (VIII of 1938) and the rules and by-laws promulgated thereund

H90CD

FORM No. 2.

THE INDIAN TEA CONTROL ACT, 1938.

(See Sections 12 & 16).

FORM No. 2.

Serial No.....

License No.....

Available only for export between 1st April 19 and 31st March 19 , for tea purchased in sale or privately, carrying Export Rights.

Application by Messrs.....

This is to authorise

Messrs.....

to Export.....Chests/Pkgs. containing.....lbs

net weight (in words).....

.....

.....of tea carrying Export Rights.

For and on behalf of the Indian Tea Licensing Committee.

.....

Joint Controller

Date of Application.....

Date License issued.....

Reference Buyer's Application Number.....

and Date.....

Initialled that authorization has been certified.....

" " shipment has been debited against Buyers' ledger account .....

Shipped per S.S.....

Port of Shipment.....

.....

Joint Controller

FORM NO. 2.

THE INDIAN TEA CONTROL ACT, 1938.

(See Sections 12 & 16).

FORM No. 2.

License No.....

Available only for export between 1st April 19 and 31st March 19 , for tea purchased in sale or privately carrying Export Rights.

ORIGINAL to be retained by Customs Authorities

Date .....

This is to authorise

Messrs.....

to Export.....Chests/Pkgs. containing.....lbs

net weight (in words).....

.....

.....of tea carrying Export Rights.

For and on behalf of the Indian Tea Licensing Committee.

.....

Joint Controller.

I/We certify that the teas exported out of India under this License were purchased by me/us with Export Rights.

.....

Exporter.

Shipped per S. S.....

Port of Shipment.....

Date .....

Customs Authorities Orders.....

.....

.....

Customs Officer's signature.....

Date .....

FORM NO. 2.

THE INDIAN TEA CONTROL ACT, 1938.

(See Sections 12 & 16).

FORM No. 2.

License No.....

Available only for export between 1st April 19 and 31st March 19 , for tea purchased in sale or privately carrying Export Rights.

DUPLICATE for Customs Authorties.

(To be returned to the Joint Controller after completion of export).

Date .....

This is to authorise

Messrs.....

to Export.....Chests/Pkgs. containing.....lbs

net weight (in words).....

.....

.....of tea carrying Export Rights.

For and on behalf of the Indian Tea Licensing Committee.

.....

Joint Controller.

I/We certify that the teas exported out of India under this License were purchased by me/us with Export Rights.

.....

Exporter.

Shipped per S. S.....

Port of Shipment.....

Date .....

Customs Authorities Orders.....

.....

.....

Customs Officer's signature.....

Date .....

FORM No. 2-A.

THE INDIAN TEA CONTROL ACT, 1938.

(See Section 17).

FORM No. 2.

Serial No.....

License No.....

Special Export License covering teas purchased in sale or privately carrying export rights, unshipped at 31st March, 19 , shipment of which may be effected up to and including 19 .

Application by Messrs.....

This is to authorise

Messrs.....

to Export.....Chests/Pkgs. containing.....lbs.

net weight (in words).....

.....

.....of tea carrying Export Rights.

For and on behalf of the Indian Tea Licensing Committee.

.....

Joint Controller.

Date of Application.....

Date License issued.....

Reference Buyer's Application Number.....

and Date.....

Initialled that authorization has been certified.....

shipment has been debited against Buyers' ledger account .....

Shipped per S.S.....

Port of Shipment.....

.....

Joint Controller.

FORM NO. 2-A.

THE INDIAN TEA CONTROL ACT, 1938.

(See Section 17).

FORM No. 2.

License No.....

Special Export License covering teas purchased in sale or privately carrying export rights, unshipped at 31st March, 19 , shipment of which may be effected up to and including 19 .

ORIGINAL to be retained by Customs Authorities

Date .....

This is to authorise

Messrs.....

to Export.....Chests/Pkgs. containing.....lbs.

net weight (in words).....

.....

.....of tea carrying Export Rights.

For and on behalf of the Indian Tea Licensing Committee.

.....

Joint Controller.

I/We certify that the teas exported out of India under this License were purchased by me/us with Export Rights.

.....

Exporter.

Shipped per S. S.....

Port of Shipment.....

Date .....

Customs Authorities Orders.....

.....

.....

Customs Officer's signature.....

Date .....

FORM NO. 2-A.

THE INDIAN TEA CONTROL ACT, 1938.

(See Section 17).

FORM No. 2.

License No.....

Special Export License covering teas purchased in sale or privately carrying export rights, unshipped at 31st March, 19 , shipment of which may be effected up to and including 19 .

DUPLICATE for Customs Authorties.

(To be returned to the Joint Controller after completion of export).

Date .....

This is to authorise

Messrs.....

to Export.....Chests/Pkgs. containing.....lbs.

net weight (in words).....

.....

.....of tea carrying Export Rights.

For and on behalf of the Indian Tea Licensing Committee.

.....

Joint Controller.

I/We certify that the teas exported out of India under this License were purchased by me/us with Export Rights.

.....

Exporter.

Shipped per S. S.....

Port of Shipment.....

Date .....

Customs Authorities Orders.....

.....

.....

Customs Officer's signature.....

Date .....

FORM NO. 3.

THE INDIAN TEA CONTROL ACT, 1938.

(See *Sections 12 and 16*).

FORM NO. 3.

Serial No.....

License No.....

Available only for export between 1st April 19 and 31st March 19 .

Application by Messrs.....

This is to authorise

Messrs.....

to Export..... lbs. (*in words*) .....

.....lbs.) of tea carrying Export Rights, details of which appear on the application form.

For and on behalf of the Indian Tea Licensing Committee.

.....

Joint Controller.

Date of Application.....

Date License issued.....

Reference Buyer's Application Number.....

and Date.....

Initialled that authorization has been certified..

Initialled that despatch has been debited against Buyer's ledger account or Producer's Export Quota.

From Railway Station.....

Via.....

To Railway Station.....

.....

Joint Controller.

FORM No. 3.

THE INDIAN TEA CONTROL ACT, 1938.

(See *Sections 12 and 16*).

FORM No. 3.

Serial No.....

From

The Joint Controller,

INDIAN TEA LICENSING COMMITTEE,

To

The Land Customs Officer,

Nok-Kundi,

via North Western Railway,

India.

SIR,

I have the honour to inform you that I have issued to Messrs.....

an Export License in duplicate No.....and dated.....

.....authorising them to export to Iran.....lbs. of tea, details of which appear on the reverse side of this letter.

On production of the Export License in duplicate to you and *with the exporter's certificate duly completed*, the teas may be exported. The duplicate part of the license form must be returned to this office, with the quantity exported endorsed thereon at the earliest possible date.

I have the honour to be,

SIR,

Your most obedient servant,

Joint Controller,

INDIAN TEA LICENSING COMMITTEE.

Dated.....*193* .

FORM NO. 3.

THE INDIAN TEA CONTROL ACT, 1938.

(See *Sections 12 and 16*).

FORM No. 3.

Serial No.....

License No.....

Available only for export between 1st April 19 and 31st March 19 .

ORIGINAL to be retained by Customs Authorities

Date.....

This is to authorise

Messrs.....

to Export.....lbs. (*in words*) (.....

.....lbs.) of tea carrying Export Rights, details of which appear on the reverse side.

For and on behalf of the Indian Tea Licensing Committee.

.....

Joint Controller.

I/We certify that the teas exported out of India under this License were purchased by me/us with Export Rights.

.....

Exporter.

From Railway Station.....

Via.....

To Railway Station.....

Date.....

Custom Authorities Orders.....

.....

.....

Customs Officer's signature.....

Date.....

FORM NO. 3.

THE INDIAN TEA CONTROL ACT, 1938.

(See *Sections 12 and 16*).

FORM No. 3.

Serial No.....

License No.....

Available only for export between 1st April 19 and 31st March 19 .

DUPLICATE for Customs Authorities

(To be returned to the Joint Controller after completion of export.)

Date.....

This is to authorise

Messrs.....

to Export.....lbs. (*in words*) (.....

.....lbs.) of tea carrying Export Rights, details of which appear on the reverse side.

For and on behalf of the Indian Tea Licensing Committee.

.....

Joint Controller.

I/We certify that the teas exported out of India under this License were purchased by me/us with Export Rights.

.....

Exporter.

From Railway Station.....

Via.....

To Railway Station.....

Date.....

Custom Authorities Orders.....

.....

.....

Customs Officer's signature.....

Date.....

FORM No. 3-A.

THE INDIAN TEA CONTROL ACT, 1938.

(See *Section 17*).

Special Export License Covering teas Purchased in Sale or Privately Carrying export rights, unexported at 31st March 19 , export of which may be effected up to and including

FORM No. 3-A.

Serial No.....

License No. .....

Application by Messrs.....

This is to authorise

Messrs.....

to Export..... lbs. (*in words*) (.....

.....lbs.) of tea carrying Export Rights, details of which appear on the application form.

For and on behalf of the Indian Tea Licensing Committee.

.....

Joint Controller.

Date of application.....

Date License issued.....

Reference Buyer's Application Number.....

and Date.....

Initialled that authorization has been certified..

.....

Initialled that despatch has been debited against Buyer's ledger account or Producer's Export Quota.

From Railway Station.....

Via.....

To Railway Station.....

.....

Joint Controller.

FORM No. 3-A.

Serial No.....

From

The Joint Controller,

INDIAN TEA LICENSING COMMITTEE,

Royal Exchange,

Calcutta.

To

The Station Master and Customs Officer,

.....Station,

North Western Railway,

India.

SIR,

I have the honour to inform you that I have issued to Messrs.....

an Export License in duplicate No.....and dated.....

.....authorising them to export to Iran.....lbs. of tea, details of which appear on the reverse side of this letter.

On production of the Export License in duplicate to you and *with the exporter's certificte duly completed*, the teas may be exported. The duplicate part of the license form must be returned to this office, with the quantity exported endorsed thereon at the earliest possible date.

I have the honour to be,

SIR,

Your most obedient servant,

Joint Controller,

INDIAN TEA LICENSING COMMITTEE.

Dated.....*193* .

Special Export License Covering teas Purchased in Sale or Privately Carrying export rights, unexported at 31st March 19 export of which may be effected up to and including

FORM No. 3-A.

Serial No.....

License No.....

ORIGINAL to be retained by Customs Authorities

Date.....

This is to authorise

Messrs.....

to Export.....lbs. (*in words*) (.....

.....lbs.) of tea carrying Export Rights, details of which appear on the reverse side.

For and on behalf of the Indian Tea Licensing Committee.

.....

Joint Controller.

I/We certify that the teas exported out of India under this License were purchased by me/us with Export Rights.

.....

Exporter.

From Railway Station.....

Via.....

To Railway Station.....

Date.....

Custom Authorities Orders.....

.....

.....

Customs Officer's signature.....

Date.....

Special Export License Covering teas Purchased in Sale or Privately Carrying export, rights unexported at 31st March 19 , export of which may be effected up to and including

FORM No. 3-A.

Serial No.....

License No.....

DUPLICATE for Customs Authorities

(To be returned to the Joint Controller after completion of export.)

Date.....

This is to authorise

Messrs.....

to Export.....lbs. (*in words*) (.....

.....lbs.) of tea carrying Export Rights, details of which appear on the reverse side.

For and on behalf of the Indian Tea Licensing Committee.

.....

int Controller.

I/We certify that the teas exported out of India under this License were purchased by me/us with Export Rights.

.....

Exporter.

From Railway Station.....

Via.....

To Railway Station.....

Date.....

Custom Authorities Orders.....

.....

.....

Customs Officer's signature.....

FORM No. 4.

THE INDIAN TEA CONTROL ACT, 1938.

(See *Section 15.*)

FORM No. 4.

Regd. No. .....Estate.....

P. O.....District.....

Agents (if any).....

Dated.....*193*

THE JOINT CONTROLLLER,
INDIAN TEA LICENSING COMMITTEE,

DEAR SIR,

TRANSFER OF EXPORT QUOTA RIGHTS.

I/We have to advise having SOLD to the.....

Tea Estate Regd. No.....(Quantity in words).....

.....pounds (.....lbs.) of export quota rights.

Please register this transfer.

Your faithfully

.....

In the case of an Agent signing on behalf of a proprietor, evidence of his authority to sign must be produced.

.....

.....

FORM No. 4-A.

THE INDIAN TEA CONTROL ACT, 1938.

(See *Section 15.*)

FORM No. 4-A.

Regd. No. .....Estate.....

P. O.....District.....

Agents (if any).....

Dated.....*193*

THE JOINT CONTROLLER,
INDIAN TEA LICENSING COMMITTEE,

DEAR SIR,

TRANSFER OF EXPORT QUOTA RIGHTS.

I/We have to advise having BOUGHT from the.....

Tea Estate Regd. No.....(Quantity in words).....

.....pounds (.....lbs.) of export quota rights.

Please register this transfer.

Your faithfully

.....

In the case of an Agent signing on behalf of a proprietor, evidence of his authority to sign must be produced.

.....

.....

NOTE.—This Transfer form in the case of Companies incorporated in Great Britain or Tea Estates owned by Proprietors not resident in India should be signed by their Secretaries or Agents or Managing Agents in India ; in the case of Companies incorporated in India by the Secretaries or Agents or Managing Agents and in the case of privately owned Tea Estates by the Managing Proprietors, or by one Proprietor if he be sole owner who should append the words " Sole Proprietor " after his signature, or by their or his duly authorised Agent.

FORM NO. 5.

THE INDIAN TEA CONTROL ACT, 1938.

[See *Sections 12, 19 and 23.*]

FORM No. 5.

Available only for shipment/despatch between 1st April 19 and 31st March 19

TRIPLICATE to be retained by the Indian Tea Licensing Committee.

ADDRESS .....

.....

Date.....

MESSRS.....of the above address, are exporting from.....to.....*via* .....a total nett quantity of.....lbs. of tea, details of which are given below.

MESSRS.....guarantee that neither they themselves, nor any agent acting for them or on their behalf, nor the consignees or their agents or any agent acting for them or on their behalf, will re-export either the whole or any part of this tea, whether in original packages, re-packed in chests or bags or re-marked or blended or packed, nor in any other form whatsoever either from..... nor from any other port.

FULL DETAILS TO BE GIVEN. SERIAL NO.....

Broker.	Seal No.	Lot No.	No. of packages of each grade.	Estate or Mark, or Blended Tea.	Grade of Tea.	Nett weight in lbs. per package.
					TOTAL ..	

Quantity in words.....

.....

Shipped by *S.S.*.....or train.....
From Port, or Railway Station.....*via*.....
To Port, or Railway Station.....
Date.....
Signature of Guarantor Firm or Individual despatching the consignment
.....
.....

Countersigned by— NO OBJECTION.

..... SIGNATURE OF CUSTOMS OFFICER,.....
Joint Controller,

Date.....
REMARKS.....

INDIAN TEA LICENSING COMMITTEE,

.....

FORM No. 5.

Available only for shipment/despatch between 1st April 19 and 31st March 19

ORIGINAL to be retained by the Customs Authorities.

ADDRESS.....

.....

Date .....

MESSRS.....of the above address, are exporting from.....to.....
via.....a total nett quantity of.....lbs. of tea, details of which are given below.

MESSRS.....guarantee that neither they themselves, nor any agent acting for them or on their behalf, nor the consignees or their agents or any agent acting for them or on their behalf, will re-export either the whole or any part of this tea, whether in original packages, re-packed in chests or bags or re-marked or blended or packed, nor in any other form whatsoever either from.....nor from any other port.

FULL DETAILS TO BE GIVEN. SERIAL NO.....

Broker.	Sale No.	Lot No.	No. of packages of each grade.	Estate or Mark, or Blended Tea.	Grade of Tea.	Nett weight in lbs. per package.
					Total ..	

Quantity in words.....

.....

Shipped by *S.S.*.....or train.....
From Port, or Railway Station.....*via*.....
To Port, or Railway Station.....
Date.....
Signature of Guarantor Firm or Individual despatching the consignment .....
.....
.....

Countersigned by— NO OBJECTION.

..... SIGNATURE OF CUSTOMS OFFICER.....
Joint Controller,

INDIAN TEA LICENSING COMMITTEE, *Date*,.....

REMARKS .....

.....

.....

FORM No. 5.

Available only for shipment/despatch between 1st April 19 and 31st March 19

DUPLICATE to be submitted with original to Customs and returned to Indian Tea Licensing Committee by the Customs after shipment despatch.

ADDRESS.....

.....

Date .....

MESSRS.....of the above address, are exporting from.....to.....
via.....a total nett quantity of.....lbs. of tea, details of which are given below.

MESSRS.....guarantee that neither they themselves, nor any agent acting for them or on their behalf, nor the consignees or their agents or any agent acting for them or on their behalf, will re-export either the whole or any part of this tea, whether in original packages, re-packed in chests or bags or re-marked or blended or packed, nor in any other form whatsoever either from.....nor from any other port.

FULL DETAILS TO BE GIVEN. SERIAL NO.....

Broker.	Sale No.	Lot No.	No. of packages of each grade.	Estate or Mark, or Blended Tea.	Grade of Tea.	Nett weight in lbs. per package.
					Total ..	

Quantity in words.....

.....

Shipped by *S.S.*.....or train.....
From Port, or Railway Station.....*via*.....
To Port, or Railway Station.....
Date.....
Signature of Guarantor Firm or Individual despatching the consignment .....
.....
.....

Countersigned by— NO OBJECTION.

..... SIGNATURE OF CUSTOMS OFFICER.....
Joint Controller,

INDIAN TEA LICENSING COMMITTEE, *Date*,.....

REMARKS .....

.....

.....

No. 201 (3)-Tr. (I. E. R.)|38.

A copy of the above notification is forwarded to :—

All Provincial Governments.

All Chief Commissioners.

The Education, Health and Lands Department, the Central Board of Revenue, the Private Secretary to His Excellency the Viceroy and the Secretary to the Governor-General's Executive Council (with one spare copy).

The Political Department (with 12 spare copies) for communication to the Political Officers concerned.

All Collectors of Customs.

The Collectors of Salt Revenue, Madras and Bombay.

The Director General of Commercial Intelligence and Statistics, Calcutta.

The High Commissioner for India (Trade Department), London (with 2 spare copies).

The Indian Government Trade Commissioners, Hamburg, Milan, Osaka and Mombasa.

His Majesty's Senior Trade Commissioner in India, Burma and Ceylon.

The Canadian Government Trade Commissioner in India.

The Indian Tea Licensing Committee, Royal Exchange, Calcutta (with 20 spare copies).

All recognised Chambers of Commerce and Associations.

A copy (with 14 spare copies) is also forwarded to the Government of Burma, Commerce and Industry Department.

By order, etc.,

A. N. PURI,

Asstt. Secy. to the Government of India.

H90CD—600—20-7-38—GIPS

38

G. R. S. VI.—s-III/14]

DRAFT.

SUBJECT.....

.....

.....

Section. Legis
File No. 33—38
Serial No. 1

Proceedings of the Government of H. H. the Maharaja of Mysore.

Diary No. of letter replied to.....

Order No. P 4374/Exec/.

Ordered that the accompanying Act to Provide for the Control of export of Tea from and extension of Cultivation of Tea in Mysore

GENERAL AND REVENUE SECRETARIAT,
( )
the.....*191*

which received the assent of His Highness the Maharaja, on the Seventh day of February 1939, be published as Regulation No. VII of 1939, in the *Mysore Gazette* for general information.

Date of issue 14/2/39

Signed by Mr. K.S.

May this be—

(i) Printed?

(ii) Treated as a standing order?

(iii) Published in the "Gazette" English part?

(iv) Translated?

(v) Placed at the disposal of the Press?

(vi) Published in the "Gazette" Kannada part?

by
13-2-39
General *Secretary to Government.*

by
13-2

To

The Compiler, *Mysore Gazette*, for publication in Part III of the Gazette, in English and Kannada and for supply of .....spare copies in English, and .....spare copies in Kannada ~~to this office, and:-~~ as per standing orders ~~.....spare copies in English and.....spare copies in Kannada to the Curator, Government Central Book Depot, Bangalore~~ Proofs should be sent to this office for approval before publication.

Copy to Translation Section.

NOTIFICATION.

No. 976—L. C., dated Bangalore the 11th November 1938.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to provide for the control of export of Tea from and extension of the cultivation of Tea in Mysore is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,
Secretary,
Mysore Legislative Council.

Act VII of 1939
(Received the assent of His Highness the Maharaja on the Seventh day of February 1939)

An Act ~~Bill~~ to provide for the control of export of Tea from and extension of the cultivation of Tea in Mysore.

Whereas it is expedient to provide for the control of export of Tea from and for the control of the extension of the cultivation of Tea in Mysore; It is hereby enacted as follows:—

Short title, extent, commencement and duration.

1. (1) This Act may be called the Mysore Tea Control Act 1939.
(2) It extends to the whole of Mysore.
(3) It shall come into force at once.
(4) It shall remain in force up to the 31st March 1943.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,

(*a*) "Committee" means the Indian Tea Licensing Committee constituted by the Government of India under the Indian Tea Control Act, 1938.

(*b*) "Export" means to take out of India by land, sea or air to any place specified by the Government in this behalf by notification in the official Gazette.

(*c*) "Owner" includes any agent of an owner;

(*d*) "Prescribed" means prescribed by rules under this Act;

(*e*) "Tea" means—

(1) in Chapter II and Chapter III, the plant *Camellia Thea* (Linn) and,

(2) elsewhere, the commodity known, as tea made from the leaves of the plant *Camellia Thea* (Linn), including green tea but excluding tea waste; and "Tea seed" includes seeds, roots, stumps, cuttings, buds and any living portion of the plant *Camellia Thea* (Linn) which may be used to propagate that plant.

CHAPTER I.

CONTROL OVER THE EXPORT OF TEA.

Limitation of application of Chapter.

3. Nothing in this Chapter shall apply to tea exported by post in package not exceeding one pound *avoirdupois* in weight.

Control of export of tea and tea seed.

4. (1) No tea shall be exported unless covered by a license issued by or on behalf of the Committee

(2) No tea seed shall be exported unless covered by a permit issued by or on behalf of the Government.

CHAPTER II.

CONTROL OVER THE EXTENSION OF TEA CULTIVATION.

Method of control of extension of tea cultivation.

5. So long as this Act remains in force, no one shall plant tea in any land which was not planted with tea on the ~~31st~~ day of March 1938, save in pursuance of a written permission granted by or on behalf of the Government.

Provided that this Section shall apply to the replacing of tea areas by planting new areas, but nothing in this Section shall prohibit the infilling of or supplying of vacancies on land planted with tea at the ~~31st~~ day of March 1933, or the replanting of tea upon :—

(*a*) land planted with tea at the ~~31st~~ day of March 1933, from which the original bushes have been uprooted, or

(*b*) land planted with tea at the ~~31st~~ day of March 1931, from which the original bushes have been uprooted,

Limitations to the extension of tea cultivation.

6. (1) Subject to the provisions of Section 8 and Section 9, the total area of land in Mysore in respect of

which the permissions referred to in section 5 may be granted, shall not exceed one-half of one per cent of the total area of the land planted with tea in Mysore on the ~~31st~~ thirty first day of March 1938.

(2) Subject to the provisions of section 8 and section 9 the total area of land in Mysore in respect to which such permissions may be granted, shall be determined by the Government and shall be as near as may be one-half of one per cent of the total area in the State which was planted with tea on the ~~31st~~ thirty first day of March 1938.

(3) The Government shall publish the total area so determined by notification in the official Gazette as soon as may be after the commencement of this Act.

(4) The Government shall grant permission for planting new area to the tea estates in accordance with rules to be prescribed up to the total area in the State as may be determined under sub-~~clause~~ section (3), provided that permission shall be granted to extend an existing area planted with tea only to a tea estate of which the total existing area planted with tea does not exceed 300 acres where the estate is owned by a limited liability company, or 150 acres where it is owned by any individual proprietor or proprietors.

Grant of permission to plant tea.

7. (1) Applications for permission to plant tea on any land not planted with tea on the ~~31st~~ thirty first day of March 1938, shall be made to the Government not later than six months from the commencement of this Act and shall contain a clear statement of all special circumstances justifying the application.

(2) Subject to the limits laid down in section 6, the Government may grant or refuse the permission applied for or may grant it in part only, or may call for further information from the applicant.

Grant of permission to plant tea in special circumstances.

8. Where any land which was on the ~~31st~~ thirty first day of March 1933, planted with tea :—

(*a*) has since become wholly incapable of carrying tea through subsidence, flood, erosion, earthquake or other irresistable superhuman cause, or,

(*b*) has since been compulsorily acquired under the provisions of the Land Acquisition Act, 1894, or of any other law for the time being in force and no longer carries tea, the owner of

the tea estate in which such land was situated may apply to the Government for permission to plant tea on land not planted with tea.

(2) Upon such application being made and upon proof to the satisfaction of the Government that the applicant is entitled to the benefit of sub-section (1), the Government may grant permission to plant tea on land not planted with tea:

Provided that the area of land, in respect of which such permission is granted, shall be within the area of the same tea estate and shall not exceed in extent the area of the land incapable of carrying tea or compulsorily acquired as the case may be.

(3) All areas of land in respect of which permission to plant tea is granted under this Section shall be excluded when computing for the purposes of Section 6 the total area of land in respect of which the permissions referred to in Section 5 may be granted.

Tea Nurseries.

9. (1) Subject to the provisions of sub-section (4) the owner of a tea estate may establish nurseries on land not previously planted with tea for the growing of plants intended for infilling or supplying vacancies or for replanting land planted with tea within the area of the estate or for any other purpose approved by the Government.

Provided that the total area utilised for nurseries in Mysore shall not upon the ~~31st~~ thirty first day of March 1943, exceed the area so utilised in Mysore on the ~~31st~~ thirty first day of March 1933.

(2) All areas of land utilised for nurseries in accordance with this Section shall be excluded when computing for the purposes of Section 6 the total area of land in respect of which the permission referred to in Section 5 may be granted.

(3) The Government may at any time serve by post a notice upon the owner of any tea estate or upon his manager requiring him to furnish within such period not being less than thirty days as may be specified in the notice such returns relating to the area of the land utilised for nurseries as it may deem necessary.

(4) If any return required under sub-section (3) is not furnished within the period specified in the notice or if in the opinion of the Government the total area of the land utilised for nurseries is excessive, the Government may make such restrictive or other order as it deems

necessary and in particular may order the uprooting of any bushes planted on any such land.

Power to call for returns and to inspect.

10. (1) The Government may at any time serve by post a notice upon the owner of any tea estate or upon his manager requiring him to furnish within such period not being less than thirty days as may be specified in the notice such returns relating to the cultivation of tea on the estate as it may deem necessary.

(2) Any person authorised by the Government in this behalf may at any reasonable time enter upon and inspect the lands of any tea estate and may require the owner of the estate to produce for inspection any records of the tea estate in his control or custody relating to the cultivation of tea on the estate.

(3) Where any return required under sub-section (1) in respect of any tea estate is not furnished within the period specified in the notice, the Government may refuse to grant any permission under Section 7 to plant tea on that estate.

Delegation of powers.

11. (1) Government may delegate the powers conferred on it under Sections 5, 6, 7, 8, 9, 10 and 11 to the Committee.

(2) When the powers are so delegated to the Committee (a) any applicant aggrieved by an order of the Committee under Section 7, Section 8 or Section 9 may appeal to the Government within sixty days from the date thereof and the Government may cancel, modify or suspend any such order; (b) the records of the Committee relating to the proceedings under this chapter shall be open to inspection at all reasonable times by any officer, authorized in this behalf by the Government; (c) no order under sub-section (2) of Section 7 shall be called in question by any court.

CHAPTER III.

Penalties and Procedure.

Penalty for making false return.

12. Any owner of a tea estate or his agent or manager who has furnished any return under sub-section (3) of Section 9 or under sub-section (1) of Section 10 containing any particular which is false and which he knows to be false or did not believe to be true shall be punishable with fine which may extend to one thousand rupees.

Penalty for obstructing inspection.

13. Whoever obstructs any person authorised by the Government while such person is entering upon or inspecting the lands of any tea estate under sub-section (2) of section 10 and whoever, having control over or custody of any records of a tea estate relating to the cultivation of tea on that estate, refuses or fails to produce such records when required by the Government, or by a person authorized by the Government under that sub-section, shall be punishable with fine which may extend to one thousand rupees.

Penalty for illicit cultivation.

14. (1) Whoever knowingly plants tea or causes tea to be planted in any land in contravention of section 5 shall be punishable with fine which may extend to one thousand rupees for the first offence, and with fine which may extend to five thousand rupees for any subsequent offence.

(2) Whoever uses any land in contravention of any order made by the Government or the Committee under section 9 or fails to comply with any order made by the Government or the Committee under sub-section (4) of section 9 shall be punishable with fine which may extend to one thousand rupees.

Removal of tea planted without permission.

15. Where any person has been convicted of any offence under section 14 the convicting Court may direct that the tea in respect of which the offence was committed shall be removed from the land within a specified time, and, in the event of the order not being duly complied with, may cause the tea to be removed and may recover the cost from the person convicted as if it were arrears of land revenue due on the tea estate on which the offence was committed.

Trial of offences under sections. 12, 13, 14.

16. No Magistrate other than a magistrate of the First Class shall take cognizance of an offence under sections 12, 13 and 14 and such magistrate may take congnizance of an offence only upon complaint made by the officer duly approved by Government and with previous sanction of the Government.

CHAPTER IV.

Rules.

Rules.

17. (1) The Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) All rules made under this Act shall be published in the official Gazette and on such publication shall have effect as if enacted in this Act.

(3) Such rules may provide that a breach thereof shall be punishable with fine which may extend to ~~Rs. 1,000.~~ one thousand rupees.

(Sd) Mirza M. Ismail
Dewan

Statement of objects and reasons.

In accordance with an international Scheme for restricting the production of tea, the Indian Tea Control Act, 1933 was enacted in British India. At the request of the holders of tea lands in Mysore the Scheme was given effect to in Mysore by Notification No. Camp D. 46—A. & E. 219-33-16, F. dated 19th June 1934, restricting the extension of tea cultivation in the State. No legislation was then considered necessary as the cultivation of tea in Mysore was confined to a small extent.

The Tea Control Act, 1933 expired on 31st March 1938 in British India. But the representatives of tea industry in India, Ceylon and the Netherlands Indies executed an agreement for the renewal of the Scheme for a further period of five years from 1st April 1938. The Government of India have accordingly enacted Act VIII of 1938. The Scheme has also been extended in Mysore up to and inclusive of 31st March 1943 by Notification No. D. 8535—A. & E. 80-37-4, dated 7th May 1938. According to the Scheme, export of tea is controlled by the issue of licences by a committee in which South Indian Tea Estates will also be represented. The licences will extend to export quotas fixed on a crop basis. But according to Section 25 of the Indian Tea Control Act, 1938 licences for the export of tea produced in an Indian State are to be issued only where legislation enacted in any such State provides for the control of tea from and for the control of the extension of the cultivation of tea in the State. It has therefore become necessary to introduce a measure providing for these so that the benefits of the Scheme may be availed of by the owners of tea estates in Mysore.

Printed by the Superintendent at the Government Press, Bangalore.

17.2.38
General Secretary to Govt

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

Read

O R D E R NO. P.

Dated, Bangalore, the 14th February 1939.

Ordered that the accompanying Act to provide for the control of export of Tea from and extension of cultivation of Tea in Mysore which received the assent of His Highness the Maharaja, on the Seventh day of February 1939, be published as Act No.VII of 1939, in the Mysore Gazette for general information.

General Secretary to Government.

To

The Compiler, Mysore Gazette, for publication in Part III of the Gazette, in English and for supply of spare copies in English and in Kannada as per standing orders. Proofs should be sent to this office for approval before publication.

"K.4

ACT VII OF 1939.

(Received the assent of His Highness the Maharaja on the seventh day of February 1939.)

An Act to provide for the control of export of Tea from and extension of the cultivation of Tea in Mysore.

Price: 0-1-0

NOTIFICATION.

Order No P. 4374—*Legis.* 33-38-1, *dated Bangalore, the* 14*th February* 1939.

Ordered that the accompanying Act to provide for the control of export of Tea from and extension of cultivation of Tea in Mysore which received the assent of His Highness the Maharaja, on the seventh day of February 1939, be published as Act No. VII of 1939, in the *Mysore Gazette* for general information.

K. SUBBA RAO,
General Secretary to Government.

ACT VII OF 1939.

(*Received the assent of His Highness the Maharaja on the seventh day of February 1939.*)

An Act to provide for the control of export of Tea from and extension of the cultivation of Tea in Mysore.

Whereas it is expedient to provide for the control of export of tea from and for the control of the extension of the cultivation of tea in Mysore; It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Tea Control Act, 1939. Short title, extent, commencement and duration.
(2) It extends to the whole of Mysore.
(3) It shall come into force at once.
(4) It shall remain in force up to the 31st March 1943.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(*a*) "Committee" means the Indian Tea Licensing Committee constituted by the Government of India under the Indian Tea Control Act, 1938;

(*b*) "export" means to take out of India by land, sea or air to any place specified by the Government in this behalf by notification in the official Gazette;

(*c*) "owner" includes any agent of an owner;

(*d*) "prescribed" means prescribed by rules under this Act;

(*e*) "tea" means—

(i) in Chapter II and Chapter III, the plant *Camellia Thea* (Linn), and,

(ii) elsewhere, the commodity known as tea made from the leaves of the plant *Camellia Thea* (Linn), including green tea but excluding tea waste ; and

(*f*) "tea seed" includes seeds, roots, stumps, cuttings, buds and any living portion of the plant *Camellia Thea* (Linn) which may be used to propagate that plant.

CHAPTER I.

CONTROL OVER THE EXPORT OF TEA.

Limitation of application of Chapter.

3. Nothing in this Chapter shall apply to tea exported by post in package not exceeding one pound *avoirdupois* in weight.

Control of export of tea and tea seed.

4. (1) No tea shall be exported unless covered by a licence issued by or on behalf of the Committee.

(2) No tea seed shall be exported unless covered by a permit issued by or on behalf of the Government.

CHAPTER II.

CONTROL OVER THE EXTENSION OF TEA CULTIVATION.

Method of control of extension of tea cultivation.

5. So long as this Act remains in force, no one shall plant tea in any land which was not planted with tea on the thirty-first day of March 1938, save in pursuance of a written permission granted by or on behalf of the Government:

Provided that this section shall apply to the replacing of tea areas by planting new areas, but nothing in this section shall prohibit the infilling of or supplying of vacancies on land planted with tea at the thirty first day of March 1933, or the replanting of tea upon :—

(*a*) land planted with tea at the thirty first day of March 1933, from which the original bushes have been uprooted, or

(*b*) land planted with tea at the thirty first day of March 1931, from which the original bushes have been uprooted.

Limitations to the extension of tea cultivation.

6. (1) Subject to the provisions of section 8 and section 9, the total area of land in Mysore in respect of which the permissions referred to in section 5 may be

granted, shall not exceed one-half of one per cent of the total area of the land planted with tea in Mysore on the thirty-first day of March 1938.

(2) Subject to the provisions of section 8 and section 9, the total area of land in Mysore in respect of which such permissions may be granted, shall be determined by the Government and shall be as near as may be one-half of one per cent of the total area in the State which was planted with tea on the thirty-first day of March 1938.

(3) The Government shall publish the total area so determined by notification in the official Gazette as soon as may be after the commencement of this Act.

(4) The Government shall grant permission for planting new areas to the tea estates in accordance with rules to be prescribed up to the total area in the State as may be determined under sub-section (3), provided that permission shall be granted to extend an existing area planted with tea only to a tea estate of which the total existing area planted with tea does not exceed 300 acres where the estate is owned by a limited liability company, or 150 acres where it is owned by any individual proprietor or proprietors.

Grant of permission to plant tea.

7. (1) Applications for permission to plant tea on any land not planted with tea on the thirty first day of March 1938, shall be made to the Government not later than six months from the commencement of this Act and shall contain a clear statement of all special circumstances justifying the application.

(2) Subject to the limits laid down in section 6, the Government may grant or refuse the permission applied for or may grant it in part only, or may call for further information from the applicant.

Grant of permission to plant tea in special circumstances.

8. Where any land which was, on the thirty-first day of March 1933, planted with tea—

(*a*) has since become wholly incapable of carrying tea through subsidence, flood, erosion, earthquake or other irresistable superhuman cause, or,

(*b*) has since been compulsorily acquired under the provisions of the Mysore Land Acquisition Act, 1894, or of any other law for the time being in force and no longer carries tea;

the owner of the tea estate in which such land was situated may apply to the Government for permission to plant tea on land not planted with tea.

(2) Upon such application being made and upon proof to the satisfaction of the Government that the applicant is entitled to the benefit of sub-section (1), the Government may grant permission to plant tea on land not planted with tea:

Provided that the area of land, in respect of which such permission is granted, shall be within the area of the same tea estate and shall not exceed in extent the area of the land incapable of carrying tea or compulsorily acquired as the case may be.

(3) All areas of land in respect of which permission to plant tea is granted under this section shall be excluded when computing for the purposes of section 6 the total area of land in respect of which the permissions referred to in section 5 may be granted.

Tea Nurseries.

9. (1) Subject to the provisions of sub-section (4), the owner of a tea estate may establish nurseries on land not previously planted with tea for the growing of plants intended for infilling or supplying vacancies or for replanting land planted with tea within the area of the estate or for any other purpose approved by the Government:

Provided that the total area utilised for nurseries in Mysore shall not upon the thirty-first day of March 1943, exceed the area so utilised in Mysore on the thirty-first day of March 1933.

(2) All areas of land utilised for nurseries in accordance with this section shall be excluded when computing for the purposes of section 6, the total area of land in respect of which the permission referred to in section 5 may be granted.

(3) The Government may at any time serve by post a notice upon the owner of any tea estate or upon his manager requiring him to furnish within such period not being less than thirty days as may be specified in the notice such returns relating to the area of the land utilised for nurseries as it may deem necessary.

(4) If any return required under sub-section (3) is not furnished within the period specified in the notice or if in the opinion of the Government the total area of the land utilised for nurseries is excessive, the Government may make such restrictive or other order as it deems

necessary and in particular may order uprooting of any bushes planted on any such land.

Power to call for returns and to inspect.

10. (1) The Government may at any time serve by post a notice upon the owner of any tea estate or upon his manager requiring him to furnish within such period not being less than thirty days as may be specified in the notice such returns relating to the cultivation of tea on the estate as it may deem necessary.

(2) Any person authorised by the Government in this behalf may at any reasonable time enter upon and inspect the lands of any tea estate and may require the owner of the estate to produce for inspection any records of the tea estate in his control or custody relating to the cultivation of tea on the estate.

(3) Where any return required under sub-section (1) in respect of any tea estate is not furnished within the period specified in the notice, the Government may refuse to grant any permission under section 7 to plant tea on that estate.

Delegation of Powers.

11. (1) Government may delegate the powers conferred on it under sections 5, 6, 7, 8, 9 and 10 to the Committee.

(2) When the powers are so delegated to the Committee;

(*a*) any applicant aggrieved by an order of the Committee under section 7, section 8 or section 9 may appeal to the Government within sixty days from the date thereof and the Government may cancel, modify or suspend any such order;

(*b*) the records of the Committee relating to the proceedings under this chapter shall be open to inspection at all reasonable times by any officer authorised in this behalf by the Government;

(*c*) no order under sub-section (2) of section 7 shall be called in question by any Court.

CHAPTER III.

Penalties and Procedure.

Penalty for making false return.

12. Any owner of a tea estate, or his agent or manager who has furnished any return under sub-section

(3) of section 9, or under sub-section (1) of section 10, containing any particular which is false and which he knows to be false or did not believe to be true, shall be punishable with fine which may extend to one thousand rupees.

Penalty for obstructing inspection.

13. Whoever obstructs any person authorised by the Government while such person is entering upon or inspecting the lands of any tea estate under sub-section (2) of section 10, and whoever, having control over or custody of any records of a tea estate relating to the cultivation of tea on that estate, refuses or fails to produce such records when required by the Government, or by a person authorised by the Government under that sub-section, shall be punishable with fine which may extend to one thousand rupees.

Penalty for illicit cultivation.

14. (1) Whoever knowingly plants tea or causes tea to be planted in any land in contravention of section 5 shall be punishable with fine which may extend to one thousand rupees for the first offence, and with fine which may extend to five thousand rupees for any subsequent offence.

(2) Whoever uses any land in contravention of any order made by the Government or the Committee under section 9 or fails to comply with any order made by the Government or the Committee under sub-section (4) of section 9, shall be punishable with fine which may extend to one thousand rupees.

Removal of tea planted without permission.

15. Where any person has been convicted of any offence under section 14, the convicting Court may direct that the tea in respect of which the offence was committed shall be removed from the land within a specified time, and, in the event of the order not being duly complied with, may cause the tea to be removed and may recover the cost from the person convicted as if it were arrears of land revenue due on the tea estate on which the offence was committed.

Trial of offences under sections 12, 13 and 14.

16. No magistrate other than a Magistrate of the first class shall take cognizance of an offence under sections 12, 13 and 14 and such Magistrate may take cognizance of an offence only upon complaint and made by the officer duly authorised by the Government and with previous sanction of the Government.

CHAPTER IV.

Rules.

17. (1) The Government may make rules for the purpose of carrying into effect the provisions of this Act. Rules.

(2) All rules made under this Act shall be published in the official Gazette and on such publication shall have effect as if enacted in this Act.

(3) Such rules may provide that a breach thereof shall be punishable with fine which may extend to one thousand rupees.

MIRZA M. ISMAIL,
Dewan.

Printed by the Superintendent at the Government Press, Bangalore.

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The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

R. Dis. No. F. 62-39
R.O. II.

SECRETARIAT
4886
1 MAR 1939
POLITICAL BRANCH.

FROM

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
Development Department, Bangalore.

Dated Bangalore, the 28th February 1939.

RENEWAL OF THE TEA RESTRICTION SCHEME.

SIR,

I am directed to refer to your letter No.Pol.1311/A & I 151-37, dated the 27th May 1938.

2. I request you kindly to inform me whether the draft Bill has been modified as suggested in my letter R.Dis.No.F.340-38/R.O.II, dated the 23rd August 1938. If so, I request you kindly to send me copies of the Bill in its final form for transmission to the Political Department.

I have the honour to be,

Sir,

Your most obedient servant,

for SECRETARY TO THE RESIDENT.

VNS

Appendix F G—1]

SUBJECT .....

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Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *193* .

Date of issue.....

Signed by.....

List of enclosures.....

Copied by .....

Examined by.....

Section

File No.

Serial No.

No.

To The Secy to the Hon'ble the Resident.

Sir,

With reference to your letter R. Dis. no F. 62-39 R.O. II dt 28th Feby. 39, I am directed to forward herewith nine copies of the Mysore Tea Control Act 1939, which received the assent of H.H the Maharaja on the seventh day of Feby 1939, for transmission to the Political Dept. I am to state that the modifications in chap II, suggested in your letter R. Dis no F. 340-38 R.O. II dt 23rd Aug. 38, have been duly incorporated in the Act, so as to conform with

50)

the Interim Tea Control Act 1938

I have the

Dept. Secretary

By 3

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GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 11th March 1939

No. Rd 1121 Ecd 2

From

The Secretary to the Government of His Highness the Maharaja of Mysore,
Development Department.

To

The Secretary to the Hon'ble the Resident in Mysore.

Sir,Sir,

With reference to your letter R.Dis. No. F. 62-39/R.O. II, dated 28th February 1939, I am directed to forward herewith two copies of the Mysore Tea Control Act, 1939, which received the assent of His Highness the Maharaja on the seventh day of February 1939, for transmission to the Political Department, I am to state that the modifications in Chapter II suggested in your letter R.Dis. No. F. 340-38/R.O.II, dated 23rd August 1939 have been duly incorporated in the Act, so as to conform with the Indian Tea Control Act, 1938.

I have the honor to be,
Sir,
Your most obedient servant,

11.3

for Secretary to Government,
Development Department.

TRM.2